

VIA TELEPHONE & VIDEO CONFERENCE



**CITY OF FAIR OAKS RANCH
AGENDA – CITY COUNCIL TELECONFERENCE & VIDEOCONFERENCE**

June 4, 2020 9:30 AM
Via Teleconference & Videoconference
7286 Dietz Elkhorn, Fair Oaks Ranch

THERE EXISTS A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 VIRUS THAT NECESSITATES A MEETING OF THE CITY COUNCIL TO TAKE PLACE VIA TELEPHONE & VIDEO CONFERENCE PURSUANT TO GOVERNMENT CODE CHAPTERS 551.125 AND 551.127, AS MODIFIED BY EXECUTIVE ORDER OF THE GOVERNOR

You can dial in using your phone:

United States (Local #): 210-714-4201

(Toll-Free #): 1-800-717-4201

Conference ID: 2443302 #

Videoconference Link (Video Only):

<https://fortx.webex.com/fortx/onstage/g.php?MTID=e141b82e47c85a2e1f0c8a2f9615cbc3b>

Password: fairoaksranch

If you wish to address the Council, please select *5 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately.

I. OPEN MEETING

- A. Roll Call – Declaration of a Quorum.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Council, please select *5 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda.

- A. Introduction of city new hire: Katherine Schweitzer, P.E., Manager of Engineering Services.
- B. Presentation on two safety enhancement projects awarded to the City of Fair Oaks Ranch through the Highway Safety Improvement Program (HSIP) including the realignment of Ammann Road and improvements at the Fair Oaks Parkway/Dietz Elkhorn intersection.

Oscar Michael “Mike” Garza, P.E., PTOE, General Engineering Consultant, Legacy Engineering Group

III. CONSENT AGENDA

All of the following items are considered to be routine by the City Council, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Council Member by making such request prior to a motion and vote.

- A. Approval of the May 14, 2020 City Council and P&Z Commission Joint Public Hearing meeting minutes. Pgs. 37-38
- B. Approval of the May 21, 2020 Regular City Council meeting minutes. Pgs. 39-42
- C. Approval of the second reading of an Ordinance amending the Comprehensive Plan to change the land use classification from Neighborhood Residential (NR) to Existing Residential (R1) of approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation Pgs. 43-58
- D. Approval of the second reading of an Ordinance to change zoning classification from Neighborhood Residential (NR) to Existing Residential 1 (R1) for 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation Pgs. 59-88
- E. Affirmation of an Emergency Ordinance amending the Fiscal Year 2019-2020 budget reallocating monies for the purchase of an emergency generator for the City Police Station and Emergency Operation Center.
Sarah Buckelew, CPA, Finance Director Pgs. 89-93

IV. CONSIDERATION/DISCUSSION ITEMS

- A. Consideration and possible action modifying and extending a declaration of local disaster; establishing rules and regulations for the duration of the disaster; and restricting certain activities. Mayor Garry Manitzas Pgs. 94-99
- B. Discussion regarding the process to appoint/reappoint members to Boards & Commissions. Christina Picioccio, City Secretary Pgs. 100-106
- C. Discuss and consider ratifying the City Manager's promotion and appointment of Lieutenant Tim Moring to the position of Police Chief for the City of Fair Oaks Ranch. Tobin E. Maples, City Manager Pgs. 107-108

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

- A. Financial Update.
Sarah Buckelew, CPA, Finance Director Pgs. 109-121

VI. CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body hereby convenes into closed session:

- A. Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:
1. Claims made on behalf of a real property owner against the City's operation of the K-3 Trinity Glen Rose Water Well.
 2. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
 3. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City's operation of well K-2.
 4. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

VII. RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed on Executive Session.

VIII. ADJOURNMENT

Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

Signature of Agenda Approval: _____



I, Christina Picioccio, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. As per Texas Government Code 551.045, said Notice was posted by 9:30 AM, June 1, 2020 and remained so posted continuously for at least 1 hour before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to *Texas Government Code* Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).



CITY COUNCIL PRESENTATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
June 4, 2020

AGENDA TOPIC: Presentation on two safety enhancement projects awarded to the City of Fair Oaks Ranch through the Highway Safety Improvement Program (HSIP) including the realignment of Ammann Road and improvements at the Fair Oaks Parkway/Dietz Elkhorn intersection.

DATE: June 4, 2020

DEPARTMENT: Public Works Department

PRESENTED BY: Ronald C. Emmons, P.E., Director of Public Works and Oscar Michael “Mike” Garza, P.E., PTOE, Legacy Engineering Group (General Engineering Consultant for City of Fair Oaks Ranch)

INTRODUCTION/BACKGROUND:

The Highway Safety Improvement Program (HSIP) is a federal-aid program with the purpose to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The HSIP requires each state to have a comprehensive Strategic Highway Safety Plan (SHSP) that defines safety goals and strategies to enhance safety. From 2013 to 2018, TxDOT programmed an average of \$240 million/year of HSIP projects focusing on barriers, curve improvements, intersection improvements, pedestrians, rumble strips, widening highways, and off-system improvements submitted by local agencies. Potential HSIP projects submitted include a specific countermeasure to a trend of safety related issues in an area. These potential projects utilize a Safety Improvement Index, or SII, to be ranked against each other throughout the State of Texas. For any project selected, the federal program would fund 90% of the anticipated construction costs while the local government would cover the final 10% as well as any engineering efforts.

In June 2018, the final Program Call for HSIP was made by the State. Potential projects were submitted in August 2018. In December 2018 the City was informed that two projects were selected for federal funding, the Fair Oaks Pkwy & Dietz Elkhorn Roundabout, and the Ammann Rd Realignment. In February 2019 both projects were presented to City Council for discussion purposes only. For the following year both projects were not worked on by staff. Starting in January 2020, the City’s GEC began researching both projects and coordinating with Kendall County and other stakeholders to verify if these projects could indeed move forward.

The presentation that will be provided focuses on both of the awarded HSIP Projects including the potential funding commitment from the City should it be decided to continue moving forward.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The health, safety, and welfare of Fair Oaks Ranch residents is the paramount objective of the Public Works Department; these projects will enhance the safety of the existing roadway network for citizens at a fraction of the cost it would normally take to do so.

Both projects will receive funding that will reduce the overall costs from approximately \$1.3M to \$373k; funding opportunities like this do not come around often.

The Kendall County Commissioner's Court is in support of taking the next steps on the Ammann Rd Realignment Project and discussing funding mechanisms thru the City.

The HSIP federally funded program call of 2018 was the last of its kind; there is a realistic chance that the City of Fair Oaks Ranch will not have the opportunity to receive this kind of grant/funding again in the future.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Initial Payment by City of Fair Oaks Ranch (October 2020):	*\$184,572
Final Payment by City of Fair Oaks Ranch (April 2022):	\$189,187

*This initial payment will be reduced with any funding received from Kendall County

LEGAL ANALYSIS:

If the City moves forward with these project, future agenda items will include the following:

- Professional Service Agreement for engineering design.
- Interlocal Funding Agreement with Kendall County.
- Debt issuance for funding City's cost.

RECOMMENDATION/PROPOSED MOTION:

No formal action is required but staff would appreciate general insight on the following:

1. Desire to advance the two projects.
2. Desire to issue debt to fund the City's share of the projects.
3. Desire to enter into a cost sharing agreement with Kendall County for the Ammann Road project.



HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) PROJECTS AMMANN RD REALIGNMENT

FAIR OAKS PKWY & DIETZ ELKHORN ROUNDABOUT

OSCAR MICHAEL "MIKE" GARZA, PE, PTOE - LEGACY ENGINEERING GROUP

GENERAL ENGINEERING CONSULTANT

JUNE 4, 2020





PRESENTATION OUTLINE

- ✓ Overview of Highway Safety Improvement Program (HSIP)
- ✓ History of Participation by City of Fair Oaks Ranch
- ✓ Breakdown of Awarded Projects
 - Ammann Rd Realignment
 - Fair Oaks Pkwy & Dietz Elkhorn Roundabout
- ✓ Details of Funding Commitment
- ✓ Discussion on Action Item





OVERVIEW OF HIGHWAY SAFETY IMPROVEMENT PROGRAM

What is the Highway Safety Improvement Program (HSIP)

- The HSIP is a federal-aid program with the purpose to achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- The HSIP requires each state to have a comprehensive Strategic Highway Safety Plan (SHSP) that defines safety goals and strategies to enhance safety.
- From 2013 to 2018, TxDOT programmed an average of \$240 million/year of HSIP projects focusing on barriers, curve improvements, intersection improvements, pedestrians, rumble strips, widening highways, and off-system improvements submitted by local agencies.



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OVERVIEW OF HIGHWAY SAFETY IMPROVEMENT PROGRAM

How are HSIP Projects Selected?

- TxDOT Project Submission Form Required
- Preventative Crashes Analyzed
 - ❖ Fatal Injury Crash (K)
 - ❖ Incapacitating Injury Crash (A)
 - ❖ Non-Incapacitating Injury Crash (B)
- Safety Counter-Measures Established
- Safety Improvement Index (SII) Calculated
- Projects Ranked Competitively

$$S = \frac{R(C_f F + C_i I)}{Y} - M$$

$$Q = \left(\frac{A_a - A_b}{A_b} \div L \right) S$$

$$B = \frac{S + \frac{1}{2}Q}{1.06} + \sum_{i=2}^L \left[\frac{(S + \frac{1}{2}Q) + (i-1)Q}{(1.06)^i} \right]$$

$$SII = \frac{B}{C}$$



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OVERVIEW OF HIGHWAY SAFETY IMPROVEMENT PROGRAM

How Does HSIP Funding Work?

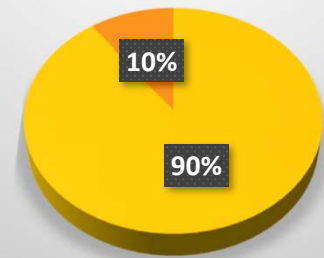
Federal: 90% of Construction Costs

Local: 10% of Construction Costs (+ Engineering)

All costs will be allocated based on 90% federal funding and 10% local government funding until the federal funding reaches the maximum obligated amount for the project. The local government will then be responsible for 100% of the overrun costs.

CONSTRUCTION COSTS

■ FEDERAL ■ LOCAL



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HISTORY OF FAIR OAKS RANCH PARTICIPATION

HSIP Project Development Timeline

June 2018
Program Call Made

August 2018
Potential Projects
Submitted

December 2018
Projects Selected
for Funding

February 2019
Initial Project
Discussion
w/Council

Feb – Dec 2019
Projects Placed
On-Hold

Jan – April 2020
Projects
Researched by
GEC; Coordination
w/Kendall County

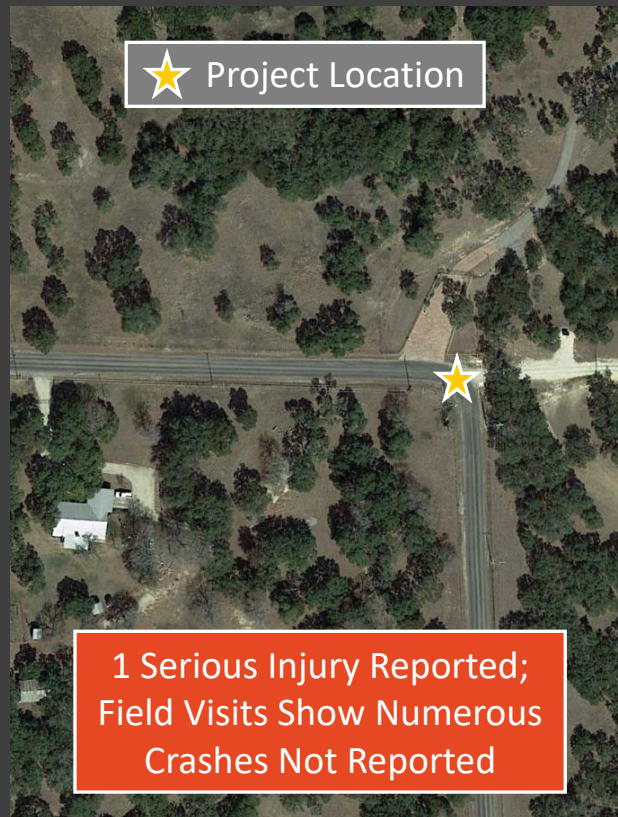
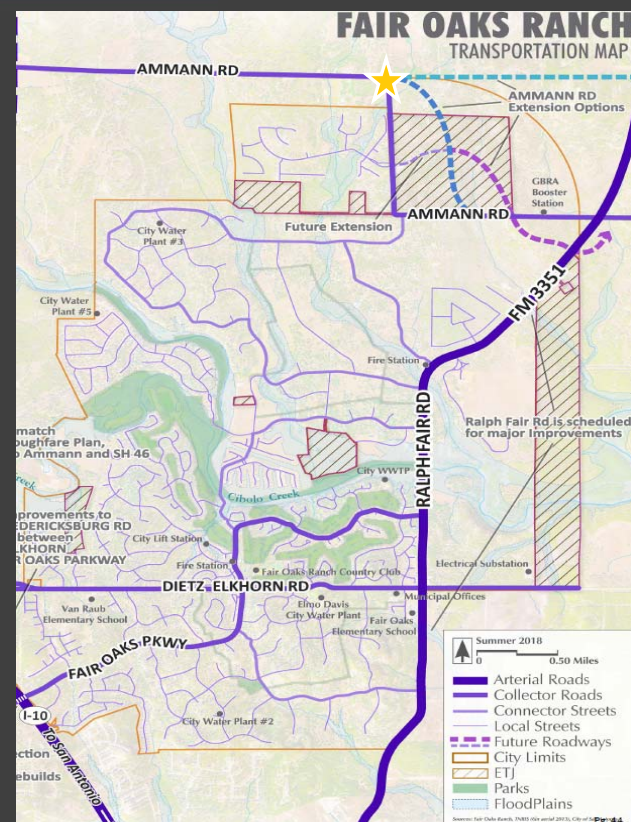
July 2022
Construction
Letting Date



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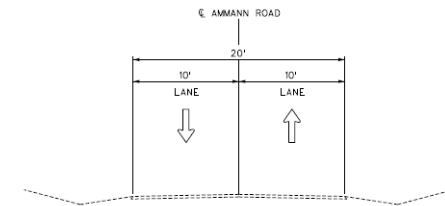
HSIP PROJECT #1: AMMANN RD REALIGNMENT



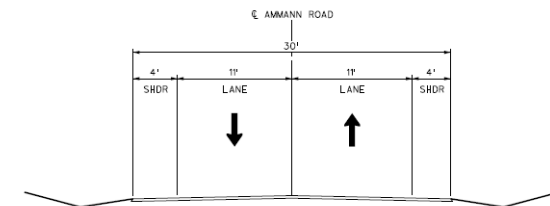
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HSIP PROJECT #1: AMMANN RD REALIGNMENT



EXISTING TYPICAL SECTION



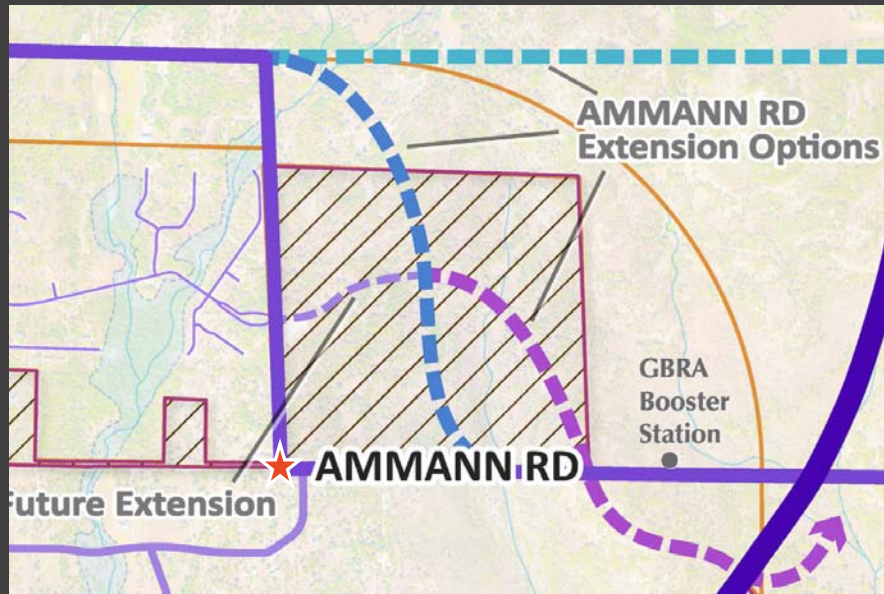
PROPOSED TYPICAL SECTION



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HSIP PROJECT #1: AMMANN RD REALIGNMENT



Southern 90 Degree Bend (Red Star) Proposed to Be Realigned in Future



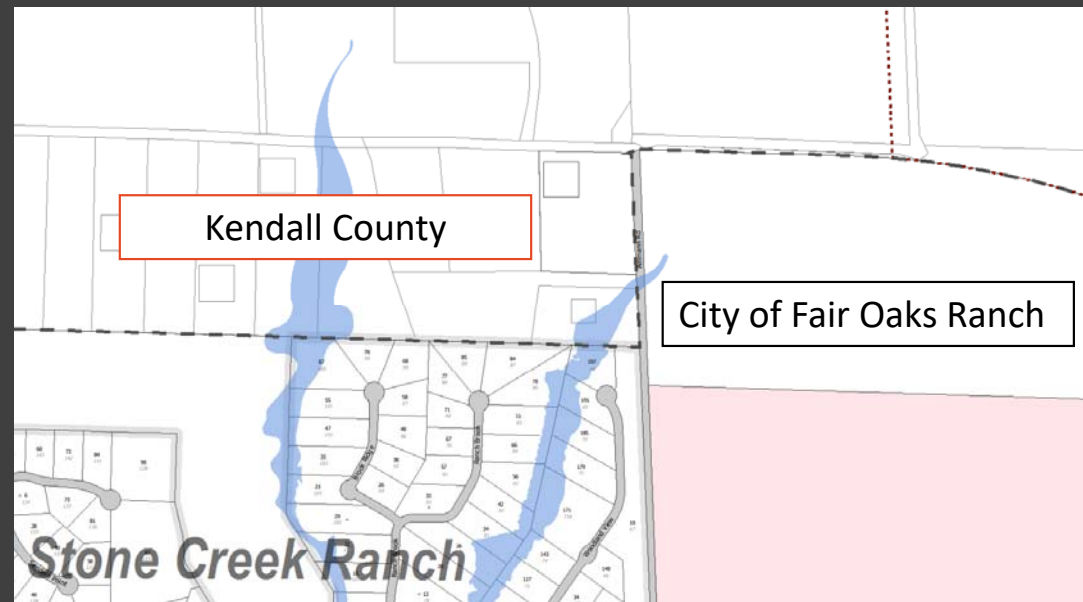
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HSIP PROJECT #1: AMMANN RD REALIGNMENT

Kendall County Participation

- The project limits include both the City of Fair Oaks Ranch and Kendall County
- Preliminary discussions w/Kendall County point towards project support and funding participation



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**HSIP PROJECT #1:
AMMANN RD
REALIGNMENT**

Kendall County Commissioner's Court (March 9th) Meeting Minutes:

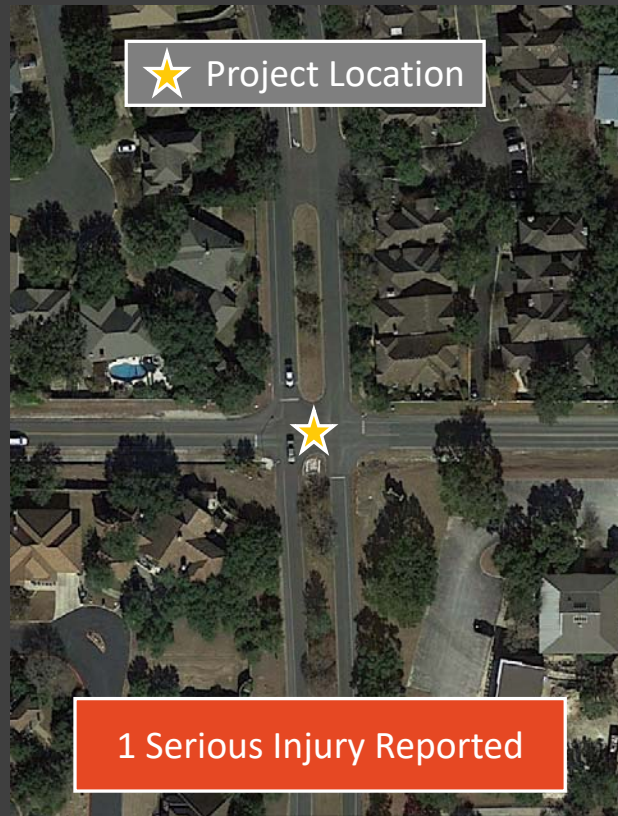
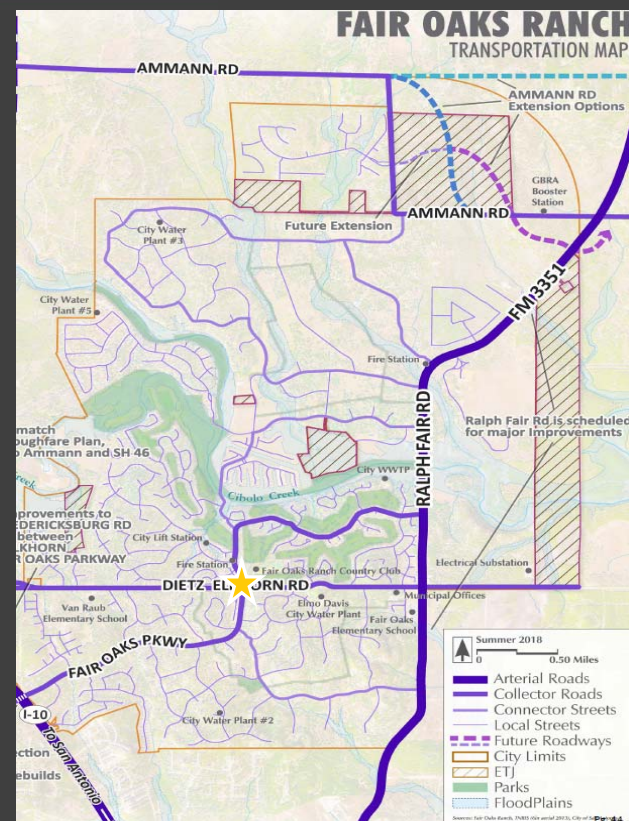
"It is ordered by the Commissioners' Court of Kendall County, Texas, to approve moving forward to the next step to gain information about the Highway Safety Improvement Program (HSIP) Project on Ammann Road (located approximately 3.75 miles east of the intersection of Ammann Road and SH 46)."

Motion was made by Commissioner Elkins, seconded by Commissioner Chapman, and carried by a vote of 5-0





HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBABOUT



★ Project Location

1 Serious Injury Reported



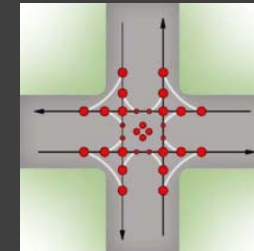
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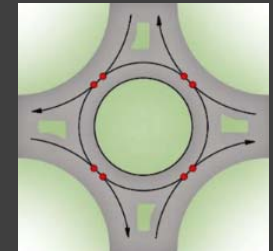
HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDAABOUT

Benefits of Roundabouts

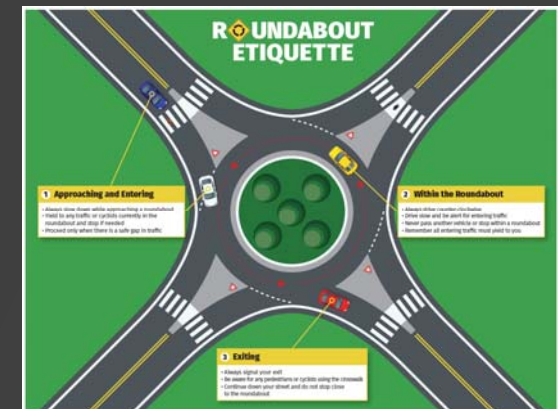
- ✓ Provide Continuous Flow Thru The Intersection
- ✓ Reduce Traffic Noise from Start/Stop Traffic
- ✓ Promote Safer/Lower Travel Speeds
- ✓ Reduce Potential of Severe Collisions
- ✓ Reduce Conflict Points from 32 Down to 8
- ✓ Enhance Pedestrian Safety/Mobility
- ✓ Require Less Maintenance Compared to Signal
- ✓ Reduce Emissions (Better for Environment)



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBABOUT

Proof of Safety Enhancement

- ✓ Studies have consistently shown a reduction in delays that can reach as high as 89% at intersections converted to roundabouts.
- ✓ Studies have consistently shown a 37% reduction in overall collisions and an astonishing 90% reduction in fatal collisions at intersections converted to roundabouts.



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDAABOUT

Successful Roundabouts in Area

- Dozens of neighborhoods, apartment complexes, condominiums, and shopping centers have them (i.e., La Cantera, Éilan, The Rim, Alamo Quarry, The Vineyard, etc.)
- Notable locations include the McCullough/Olmos/Ed Prado intersection in Olmos Park, Ewing Halsell and Charles Katz in the Medical Center, the main entrance to UTSA, and downtown at the Romana Plaza.

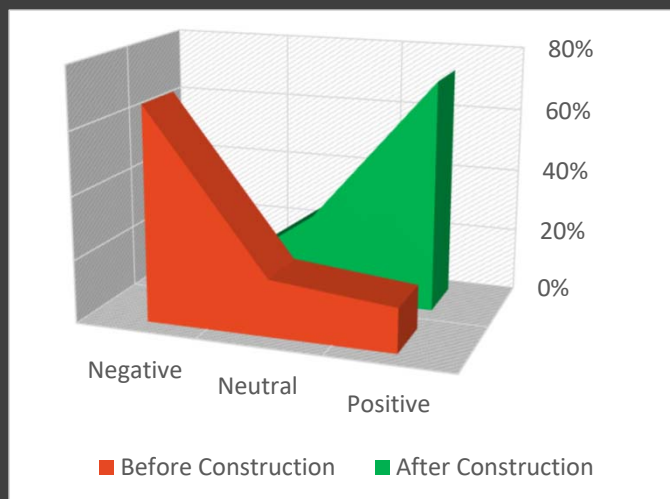


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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBOUT

Tools for Educating the Public

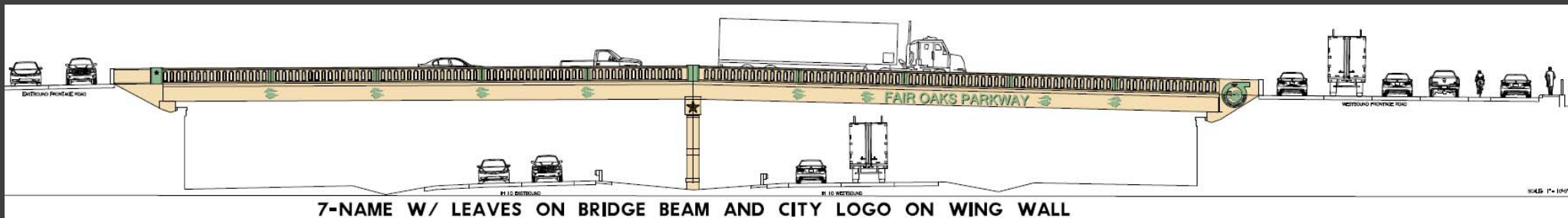


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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBOUT

Unique Opportunity to Focus on City Branding in Center Median



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBABOUT



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBABOUT



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBABOUT



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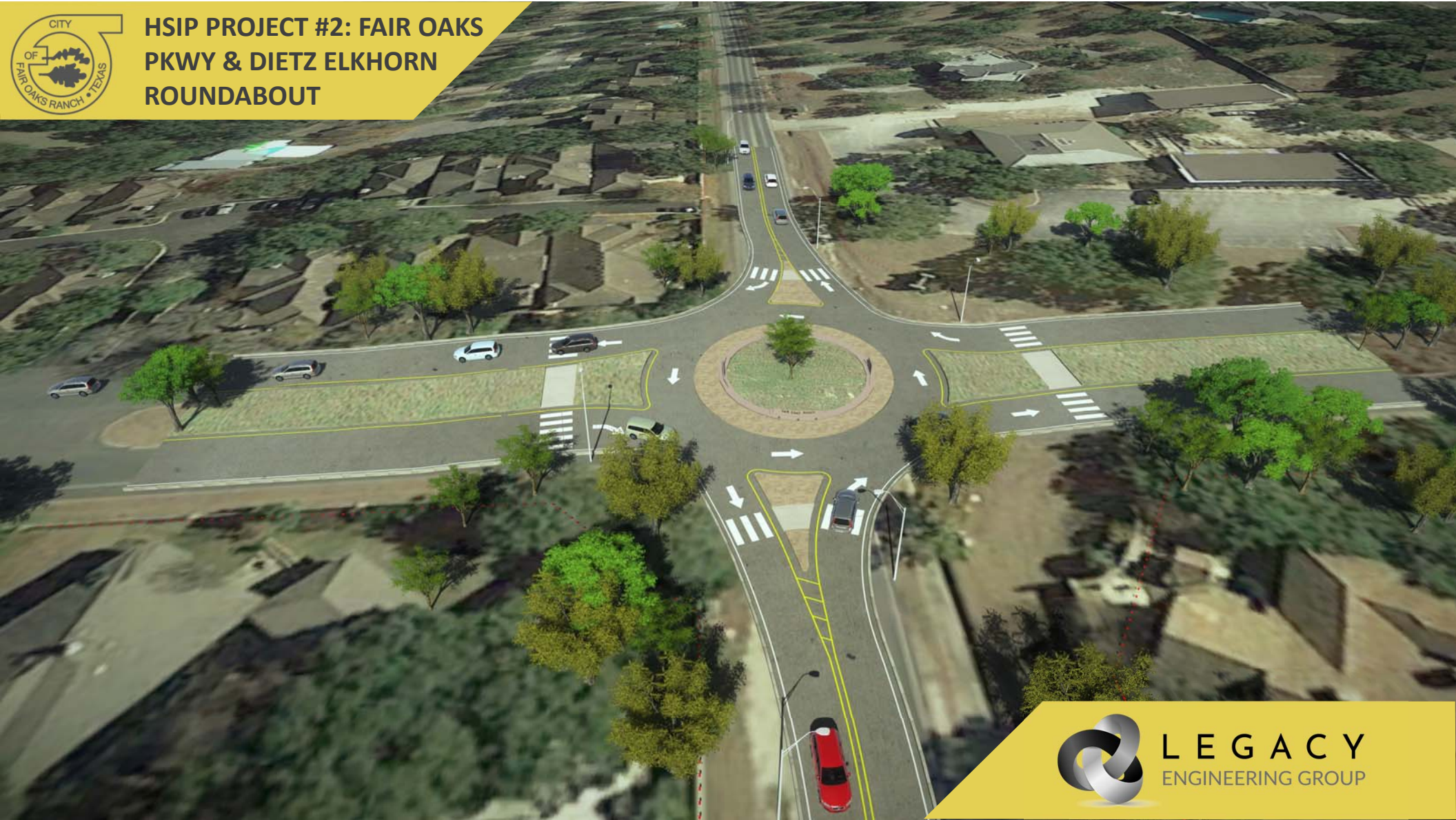
HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBOUT



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBABOUT



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBABOUT



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDBABOUT



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HSIP PROJECT #2: FAIR OAKS PKWY & DIETZ ELKHORN ROUNDAABOUT



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PROJECT COSTS BREAKDOWN

PROJECT #1 – AMMANN RD REALIGNMENT

Construction Costs:	\$341,523
Anticipated Engineering Fees:	\$68,304
Various Direct/Indirect Costs:	\$69,432
TOTAL PROJECT COST:	\$479,259

PROJECT #2 – FAIR OAKS PKWY & DIETZ ELKHORN ROUNDABOUT

Construction Costs:	\$581,342
Anticipated Engineering Fees:	\$116,268
Various Direct/Indirect Costs:	\$118,187
TOTAL PROJECT COST:	\$815,798

* Does Not Include Any Commitments from Kendall County



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FUNDING BREAKDOWN

PROJECT #1 – AMMANN RD REALIGNMENT

Federal Funding (90% of Construction Costs):	\$322,739
State Funding (Indirect Costs @ 5.33%):	\$18,203
Local Funding (10% of Construction Costs + Engineering + Indirect Costs):	\$138,317

PROJECT #2 – FAIR OAKS PKWY & DIETZ ELKHORN ROUNDABOUT

Federal Funding (90% of Construction Costs):	\$549,368
State Funding (Indirect Costs @ 5.33%):	\$30,986
Local Funding (10% of Construction Costs + Engineering + Indirect Costs):	\$235,444

COMBINED TOTAL PROJECT COSTS:	\$1,295,057
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SUMMARY OF CITY OF FAIR OAKS RANCH COMMITMENT TO MOVE FORWARD

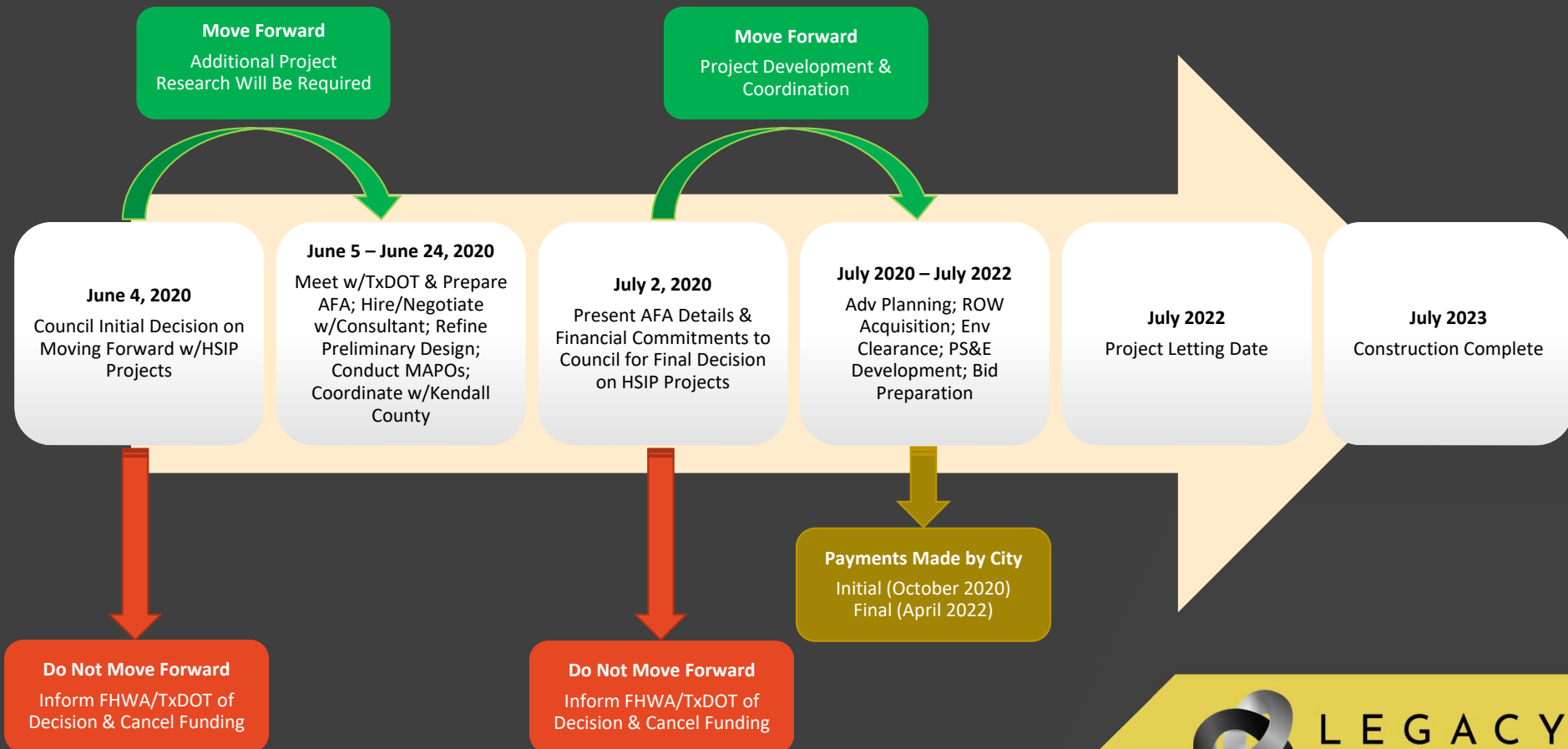
Initial Payment by City of Fair Oaks Ranch (30 Days Prior to Engineering Review Work):	\$184,572
Final Payment by City of Fair Oaks Ranch (60 Days Prior to July 2022 Letting Date):	\$189,187
COMBINED / TOTAL COMMITMENT FROM CITY OF FAIR OAKS RANCH:	\$373,759 (28.9%)

*Does Not Include Anticipated Commitment from Kendall County





POTENTIAL SCHEDULE MOVING FORWARD



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PRESENTATION SUMMARY

- ✓ The health, safety, and welfare of Fair Oaks Ranch residents is the paramount objective of the Public Works Department; these projects will enhance the safety of the existing roadway network for citizens at a fraction of the cost it would normally take to do so.
- ✓ Both projects will receive funding that will reduce the overall costs from approximately \$1.3M to \$373k; funding opportunities like this do not come around often.
- ✓ The Kendall County Commissioner's Court is in support of taking the next steps on the Ammann Rd Realignment Project and discussing funding mechanisms thru the City.
- ✓ The HSIP federally funded program call of 2018 was the last of its kind; there is a realistic chance that the City of Fair Oaks Ranch will not have the opportunity to receive this kind of grant/funding again in the future.



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ACTION ITEM DISCUSSION

Please note that both projects will require an Advance Funding Agreement (AFA) between the City of Fair Oaks Ranch and TxDOT (signed by an authorized representative); these AFAs would be presented to Council for review and approval if we decide to move forward.

Action Item - We are seeking Council direction on how to move forward.





QUESTIONS?

OSCAR MICHAEL "MIKE" GARZA, PE, PTOE - LEGACY ENGINEERING GROUP
GENERAL ENGINEERING CONSULTANT – CITY OF FAIR OAKS RANCH



**CITY OF FAIR OAKS RANCH
JOINT CITY COUNCIL and PLANNING AND ZONING COMMISSION
PUBLIC HEARING MINUTES
May 14, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

Roll Call – Declaration of a Quorum

Council Present: Mayor Manitzas

Council Members: Havard, Hartpence, Koerner, Patel and Maxton

Council Absent: Mayor Pro Tem Elizondo

P&Z Present: Chairperson Rey and Vice Chairperson Trapasso

Commission Members: Barnes, Horwath, Leonard, Pearson, and Tom.

With both quorums present, the Special Joint Workshop was called to order at 6:40 PM.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. There were no citizens to be heard.

III. PURPOSE OF THE JOINT PUBLIC HEARING

- A. The City Council and the Planning and Zoning Commission conducted a joint public hearing to receive public testimony on a proposed amendment to the Comprehensive Plan (CPA No. 2020-01) to change the land use classification from Neighborhood Residential (NR) to Existing Residential (R1) for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.
1. The Mayor provided opening comments and opened the Public Hearing at 6:43 PM.
 2. Consultant, Lata Krishnarao, provided an overview of the proposed change to Comprehensive Plan.
 3. There was no citizen testimony for/against the proposed amendment to the Comprehensive Plan.
 4. The Mayor closed the joint public hearing at 6:58 PM.
 5. Council and P&Z asked questions of the consultant relating to the proposed amendment and the reasons for the city-initiated proposal.
 6. The Public Hearing was adjourned with no formal action.
- B. The City Council and the Planning and Zoning Commission conducted a joint public hearing to receive public testimony on the following Zoning Change (ZC) Application ZC No. 2020-01: A request from SF Fair Oaks Development, LLC., applicant and property owner, to change zoning classification from Neighborhood Residential (NR) to Existing Residential 1 (R1) for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

1. The Mayor provided opening comments and opened the Public Hearing at 7:06 PM.
2. Consultant, Lata Krishnarao, provided an overview of the proposed zoning change.
3. Applicant, C.A. Elder spoke briefly to thank Council, the Commission, and staff for their consideration of the application.
4. There was no citizen testimony for/against the proposed zoning change.
5. The Mayor closed the joint public hearing at 7:20 PM.
6. Council and P&Z asked questions of the consultant relating to the proposed zoning change.
7. The Public Hearing was adjourned with no formal action.

III. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 7:23 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

CITY OF FAIR OAKS RANCH
CITY COUNCIL TELECONFERENCE MEETING MINUTES
May 21, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

Present: Mayor Manitzas and Mayor Pro Tem Elizondo
Council Members: Havard, Hartpence, Koerner, Patel and Maxton.

With a quorum present, the City Council meeting was called to order at 6:33 PM.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. There were no citizens to be heard.

B. Matthew Garrett, of NewGen Strategies & Solutions, provided to Council a Stormwater Utility Cost of Service Presentation.

C. Andrew Friedman of Samco Capital provided to Council a presentation on Types of Municipal Debt.

III. CONSENT AGENDA

A. **Approval of the May 7, 2020 Regular City Council teleconference minutes.**

The Mayor presented the Consent Agenda and with no discussion the Consent Agenda was approved by unanimous consent; 7-0

IV. CONSIDERATION/DISCUSSION ITEMS

A. **Consideration and possible action modifying and extending a declaration of local disaster; establishing rules and regulations for the duration of the disaster; and restricting certain activities.**

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Patel to approve an Ordinance extending the Declaration of Local Disaster to June 4, 2020.

VOTE: 7-0; Motion passed.

B. **Consideration and possible action approving the first reading of an Ordinance amending the Comprehensive Plan to change the land use classification from Neighborhood Residential (NR) to existing Residential (R1) of approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.**

MOTION: Made by Council Member Patel, seconded by Council Member Koerner to approve the ordinance changing the land use classification from Neighborhood Residential (NR) to existing Residential (R1) of approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

VOTE: 7-0; Motion passed.

C. Consideration and possible action approving the first reading of an ordinance to change zoning classification from Neighborhood Residential (NR) to Existing Residential 1 (R1) for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

MOTION: Made by Council Member Patel, seconded by Council Member Maxton to approve the ordinance amending the official zoning map by zoning approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection, generally known as The Arbors Development, from Neighborhood Residential (NR) to Existing Residential 1 (R1).

VOTE: 7-0; Motion passed.

D. Consideration and possible action approving the preliminary plat that establishes the Arbors at Fair Oaks Ranch Unit 2.

MOTION: Made by Council Member Koerner, seconded by Council Member Hartpence to approve the applicant's request to extend the 30-day period to act on this preliminary plat that establishes Arbors at Fair Oaks Ranch Unit 2.

VOTE: 7-0; Motion passed.

E. Consideration and possible action approving the preliminary plat establishing Setterfeld Estates Unit 3A.

MOTION: Made by Council Member Patel, seconded by Mayor Pro Tem Elizondo, to approve the applicant's request to extend the 30-day period to act on this preliminary plat that establishes Setterfeld Estates Unit 3A.

VOTE: 7-0; Motion passed.

F. Consideration and possible action approving the final plat that establishes Elkhorn Ridge Unit 5.

MOTION: Made by Council Member Maxton, seconded by Council Member Hartpence, to approve the final plat that establishes Elkhorn Ridge Unit 5.

VOTE: 7-0; Motion passed.

G. Consideration and possible action approving an Ordinance amending the Fiscal Year 2019-2020 budget reallocating monies for the purchase of an emergency generator for the City Police Station and Emergency Operation Center.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Koerner, to approve the Ordinance amending the budget to transfer \$28,000 from the Equipment Replacement Fund to the General Fund to be used for the purchase of the Emergency Generator for the City Police Station and Emergency Operation Center.

VOTE: 7-0; Motion passed.

H. Consideration and possible action awarding the bid of the emergency generator for the Police Building and Emergency Operation Center and authorizing the City Manager to sign the agreement.

MOTION: Made by Council Member Maxton, seconded by Mayor Pro Tem Elizondo, to accept the bid furnished by Master Electrical Services, Ltd. in the amount of \$110,722.00 with a 10% contingency in the amount of \$11,072.20 for a value not to exceed \$121,794.20 and authorize the City Manager to sign the construction agreement.

VOTE: 7-0; Motion passed.

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

A. None

VI. CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body convened into Executive Session at 8:58 PM regarding:

A. Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:

1. Claims made on behalf of a real property owner against the City's operation of the K-3 Trinity Glen Rose Water Well.
2. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
3. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City's operation of well K-2.

B. 551.074 (Personnel Matters) – to discuss the hiring of a Chief of Police.

City Council did not convene into Executive Session regarding:

A. 4. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

VII. RECONVENE INTO OPEN SESSION

The Mayor reconvened into open session at 10:20 PM.

A roll call reestablishing a quorum was taken:

Present: Mayor Manitzas and Mayor Pro Tem Elizondo

Council Members: Havard, Hartpence, Koerner, Patel and Maxton.

No action was taken.

VIII. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 10:21 PM.

ATTEST:

Garry Manitzas, Mayor

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 4, 2020

AGENDA TOPIC: Approval of the second reading of an Ordinance amending the Comprehensive Plan to change the land use classification from Neighborhood Residential (NR) to Existing Residential (R1) of approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

DATE: June 4, 2020

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lata Krishnarao, AICP, LEED ND, 3rd Party Planning Consultant, Gunda Corporation

INTRODUCTION/BACKGROUND:

A joint public hearing was held with City Council and the Planning and Zoning (P&Z) Commission on May 14, 2020 for the city-initiated amendment to change the land use classification. The subject property of approximately 22.60 acres exists along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. The request for a reclassification from Neighborhood Residential (NR) to Existing Residential (R1) is the appropriate single-family residential land use classification on this property that is governed by an existing development agreement approved prior to the adoption of the Comprehensive Plan Update and zoning regulations.

Following the joint public hearing on May 14, 2020, the P&Z Commission conducted their regularly scheduled meeting. By a vote of 7-0, the P&Z Commission voted to recommend approval of the land use classification change request to the City Council.

The first reading of this Ordinance was approved by Council at the May 21, 2020 Council Meeting.

LEGAL ANALYSIS:

The attached staff report and the joint public hearing held on May 14, 2020 demonstrate compliance with the requirements as prescribed in Chapter 211 of the Local Government Code and the City's zoning ordinance.

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to approve the ordinance changing the land use classification from Neighborhood Residential (NR) to Existing Residential (R1) of approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as The Arbors Development.

AN ORDINANCE

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, TO CHANGE THE LAND USE CLASSIFICATION FROM NEIGHBORHOOD RESIDENTIAL (NR) TO EXISTING RESIDENTIAL (R1) OF APPROXIMATELY 22.60 ACRES GENERALLY LOCATED ALONG THE EAST SIDE OF RALPH FAIR ROAD AT THE SOUTHEAST CORNER OF RALPH FAIR ROAD AND THE FAIR OAKS PARKWAY/ARBOR FALLS INTERSECTION. GENERALLY KNOWN AS THE ARBORS DEVELOPMENT.

WHEREAS, the City of Fair Oaks Ranch, Texas, initiated an amendment to change the Land Use Classification from Neighborhood Residential (NR) to existing Residential (R1) of approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls Intersection, generally known as The Arbors Development, and more particularly described in the attached Exhibit 1 (herein, the "Property"); and

WHEREAS, the Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Neighborhood Residential (NR). The City is initiating this amendment to change the land use classification to Existing Residential (R1). Existing Residential (R1) is the appropriate single-family residential land use classification on this property that is governed by an existing development agreement approved prior to the adoption of the Comprehensive Plan Update and zoning regulations.

WHEREAS, the City Council of the City of Fair Oaks Ranch, Texas has previously created and appointed a Planning and Zoning Commission as authorized by the Texas Local Government Code; and

WHEREAS, on May 14, 2020, the City Council and Planning and Zoning Commission conducted a joint public hearing on the proposed change to the land use classification; and

WHEREAS, on May 14, 2020, the Planning and Zoning Commission after considering the testimony and evidence, hereby made a recommendation of approval of the reclassification; and

WHEREAS, on May 21, 2020, the City Council after considering the testimony, evidence and recommendation by the Planning and Zoning Commission, determined it to be in the public interest to approve the proposed change to the land use classification, which in its best judgement promotes the health, safety, morals, and general welfare and protects the use and enjoyment of property throughout the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, THAT:

Section 1. The Property generally known as The Arbors Development, and located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection as shown in the attached Exhibit 1, and more particularly described in the attached Exhibit 2, is hereby classified Existing Residential (R1).

Section 2. The Official Future Land Use Map of the City of Fair Oaks Ranch, shall be revised to reflect the above amendment.

- Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.
- Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.
- Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Fair Oaks Ranch, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Fair Oaks Ranch except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED on first reading this 21st day of May, 2020.

PASSED, APPROVED and ADOPTED on the second reading this 4th day of June, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech,
P.C., City Attorney

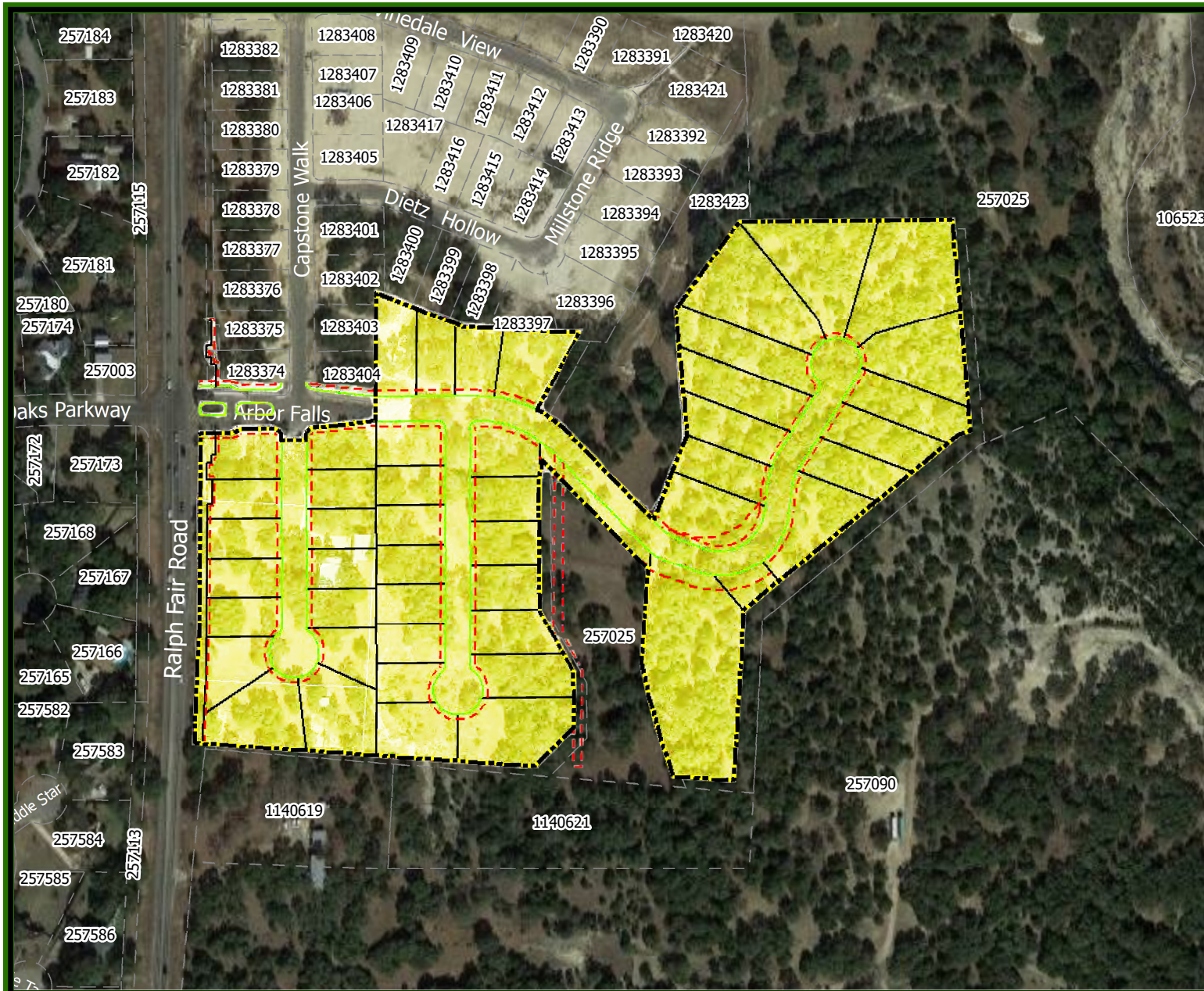
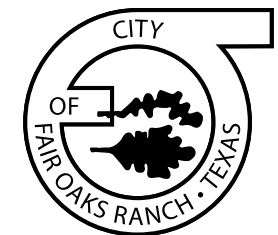


Exhibit 1 AERIAL MAP

Arbors at Fair Oaks Ranch Unit 2A

CPA No. 2020-01

 Subject Property



April 2020



1" = 300'

Disclaimer – The City of Fair Oaks Ranch (COFOR) does not guarantee the accuracy, adequacy, completeness, or usefulness of any information. COFOR does not warrant the completeness, timeliness, or positional, thematic, and attribute accuracy of the GIS Data. The GIS data, cartographic products, and associated applications are not legal representations of the depicted data. GIS data is derived from public records that are constantly undergoing revision. Under no circumstances should GIS products be used for final design purposes. COFOR provides this information on an "as is" basis without warranty of any kind, express or implied, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.



**FIELD NOTES
FOR
A 22.60 ACRE TRACT
(PHASE 2 - REZONING)**

A **22.60 acre** tract of land, out of the Maria De La Luz Guerra Survey No. 172, Abstract 257, Bexar County, Texas and being a portion of a called 145.4 acre tract of land conveyed to SF Fair Oaks Development, LLC., of record in Volume 17835, Page 1589 of the Official Public Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMENCING at a found $\frac{1}{2}$ " iron rod in a curve in the east line of F.M. 3351, a 100.00 wide right-of-way, also known as Ralph Fair Road, for the northwest corner of a called 8.750 acre tract of land conveyed to Stemen & Co., LLC., of record in Volume 14036, Page 405 of the Official Public Records of Bexar County, Texas, the southwest corner of the 145.4 acre tract, from which a found 1" iron square for a point of tangency of the 145.4 acre tract bears, with a non-tangent curve to the left having a radius of 5779.58 feet, a delta angle of $03^{\circ} 27' 01''$, an arc length of 348.04 feet and a chord bears $N 01^{\circ} 13' 29'' E$, a distance of 347.99 feet;

THENCE: $S 85^{\circ} 26' 51'' E$, leaving the east line of Ralph Fair Road, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of 10.00 feet to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the left, the southwest corner and **POINT OF BEGINNING** of the tract described herein;

THENCE: leaving the north line of the 8.750 acre tract, into and across the 145.4 acre tract, the following twenty-four courses:

1. With the curve to the left having an arc length of **348.92 feet**, a radius of **5789.58 feet**, a delta angle of **$03^{\circ} 27' 11''$** and a chord bears **$N 01^{\circ} 13' 34'' E$** , a distance of **348.87 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
2. **$N 00^{\circ} 30' 01'' W$** , a distance of **277.90 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for the most westerly northwest corner of the tract described herein,
3. **$S 89^{\circ} 44' 55'' E$** , a distance of **60.60 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
4. **$N 69^{\circ} 10' 03'' E$** , a distance of **22.93 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
5. **$S 89^{\circ} 44' 55'' E$** , a distance of **68.11 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the right of the tract described herein,
6. With the curve to the right having an arc length of **23.37 feet**, a radius of **15.00 feet**, a delta angle of **$89^{\circ} 14' 54''$** and a chord bears **$S 45^{\circ} 07' 28'' E$** , a distance of **21.07 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
7. **$S 00^{\circ} 30' 01'' E$** , a distance of **10.25 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
8. **$N 89^{\circ} 29' 59'' E$** , a distance of **50.00 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
9. **$N 00^{\circ} 30' 01'' W$** , a distance of **10.55 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the right of the tract described herein,

10. With the curve to the right having an arc length of **22.15 feet**, a radius of **15.00 feet**, a delta angle of **84° 36' 09"** and a chord bears **N 41° 48' 03" E**, a distance of **20.19 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
11. **N 84° 06' 08" E**, a distance of **116.58 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
12. **S 89° 44' 55" E**, a distance of **10.80 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
13. **N 00° 15' 05" E**, a distance of **50.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
14. **N 00° 33' 28" W**, a distance of **211.22 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
15. **S 67° 59' 27" E**, a distance of **191.25 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
16. **S 86° 10' 59" E**, a distance of **233.28 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
17. **S 29° 11' 51" W**, a distance of **175.27 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner and point of curvature to the right of the tract described herein,
18. With the curve to the right having an arc length of **82.78 feet**, a radius of **255.00 feet**, a delta angle of **18° 35' 59"** and a chord bears **S 53° 33' 31" E**, a distance of **82.42 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
19. **S 44° 15' 31" E**, a distance of **246.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
20. **N 21° 18' 53" E**, a distance of **183.20 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
21. **N 05° 59' 53" W**, a distance of **253.50 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
22. **N 35° 51' 42" E**, a distance of **219.73 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
23. **N 89° 46' 29" E**, a distance of **429.66 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
24. **S 05° 20' 39" E**, a distance of **428.06 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" in a north line of a called 159.74 acre tract of land conveyed to the Corley Family LLC., described by Exhibit A, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, for the most easterly southeast corner of the tract described herein;

THENCE: Along and with the common line between the 159.74 acre tract and the 145.4 acre tract, the following three (3) courses

1. **S 67° 21' 29" W**, a distance of **25.31 feet** to a found ½" iron rod with a red plastic cap stamped "CUDE" for an angle point of the tract described herein,
2. **S 51° 01' 46" W**, a distance of **557.40 feet** to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein, and

3. **S 02° 59' 24" W**, a distance of **345.30 feet** to a red plastic cap stamped "MATKIN HOOVER" for the northeast corner of the 8.750 acre tract, the most southerly southeast corner of the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" for the southeast corner of the 8.750 acre tract, a called 154.12 acre tract conveyed to David A. Owens, described by Exhibit B, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, and an interior corner of the 159.74 acre tract bears S 02° 59' 24" W, a distance of 331.85 feet;

THENCE: N 85° 26' 51" W, leaving the west line of the 159.74 acre tract, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of **1088.71 feet**;

THENCE: leaving the north line of the 8.750 acre tract, into and across the 145.4 acre tract, the following sixteen (16) courses:

1. With the curve to the left having an arc length of **348.92 feet**, a radius of **5789.58 feet**, a delta angle of **03° 27' 11"** and a chord bears **N 01° 13' 34" E**, a distance of **348.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
2. **N 20° 24' 42" W**, a distance of **60.44 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
3. **N 15° 34' 48" W**, a distance of **108.19 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
4. **N 12° 10' 17" W**, a distance of **66.91 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
5. **N 03° 50' 56" W**, a distance of **229.66 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
6. With the curve to the left having an arc length of **16.64 feet**, a radius of **135.00 feet**, a delta angle of **07° 03' 52"** and a chord bears **N 47° 47' 27" W**, a distance of **16.63 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
7. **N 44° 15' 31" W**, a distance of **271.53 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the left of the tract described herein,
8. With the curve to the left having an arc length of **31.08 feet**, a radius of **205.00 feet**, a delta angle of **08° 41' 16"** and a chord bears **N 48° 36' 09" W**, a distance of **31.05 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
9. **S 00° 30' 01" E**, a distance of **346.81 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
10. **S 30° 14' 31" E**, a distance of **138.33 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
11. **S 00° 14' 31" E**, a distance of **111.84 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
12. **S 43° 40' 39" W**, a distance of **89.18 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
13. **N 85° 26' 51" W**, a distance of **68.09 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
14. **S 67° 20' 43" W**, a distance of **10.94 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
15. **N 85° 26' 51" E**, a distance of **610.13 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,

16. **S 03° 09' 22" W**, a distance of **13.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point on the north line of the 8.750 acre tract, an angle point of the tract described herein,

THENCE: N 85° 26' 51" W, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of **15.01 feet** to the **POINT OF BEGINNING** and containing **22.60 acres** situated in Bexar County, Texas. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99982917988.

Job No.: 15-133
Prepared by: KFW Surveying
Date: November 30, 2017
File: S:\Draw 2015\15-133 FM 3351 145 Acres\DOCS\Zoning FN\FN – 22.60 Arbors at Fair Oaks Ph 2
Rezoning

NOTE: THIS LEGAL DESCRIPTION IS INTENDED FOR REZONING PURPOSES ONLY AND DOES NOT REPRESENT A LEGAL BOUNDARY SURVEY.

STAFF REPORT

To: City Council
From: Public Works and Engineering Services
Date: June 4, 2020
Re: Comprehensive Plan Amendment 2020-01

Proposed amendment to the Comprehensive Plan to change the land use classification from Neighborhood Residential (NR) to Existing Residential (R1) for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

Summary of Request

This is a City-initiated amendment to change the land use classification of the subject property. The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Neighborhood Residential (NR). The City is initiating this amendment to change the land use classification to Existing Residential (R1). Existing Residential (R1) is the appropriate single-family residential land use classification on this property that is governed by an existing development agreement approved prior to the adoption of the Comprehensive Plan Update and zoning regulations.

The Comprehensive Plan describes these Future Land Use Designation as follows:

“Neighborhood Residential - The Neighborhood Residential district (NR) serves as a residential zone for areas where low-to-medium density development is appropriate in Fair Oaks Ranch (beyond the Existing Residential districts). The district accommodates a fairly wide variety of housing needs and types by allowing for contextual development standards. NR developments should provide for pedestrian-friendly residential neighborhoods, protected from incompatible uses. Residences in the NR district are appropriate for direct access to primarily Local Connector streets, Local Neighborhood Residential streets and Rural Residential streets.”

“Existing Residential - The Existing Residential (ER) categories are intended to capture the neighborhoods already existing in Fair Oaks Ranch as the comprehensive plan exercise commenced. These neighborhoods were platted, and mostly built-out, before zoning districts were created. Construction standards and densities in these areas have historically been governed by land covenants and deed restriction committees.”

Within Existing Residential designation, the Comprehensive Plan recommends the following four (4) categories based on the lot sizes:

- Existing Residential 1 (R1) for the densest existing residential types, with lot sizes generally under 0.3 acres.
- Existing Residential 2 (R2) for areas where the existing lot sizes are generally 0.3 acres to approximately 1.3 acres.
- Existing Residential 3 (R3) for areas where existing lot sizes are generally between

approximately 1.3 acres and approximately five acres.

- Existing Residential 4 (R4) category for areas where the existing lot sizes are generally larger than five acres.

Site History

A Preliminary Plat establishing the Preserve at Fair Oaks on approximately 145 acres of land generally referred to as the “Owen’s Tract” was submitted to the City in November 2015. Subsequently, in February 2016, a development agreement was signed by the City of Fair Oaks Ranch, David and Dianne Owens, and Scott Felder Homes for this 145-acre tract. This subdivision was renamed as Arbors at Fair Oaks Ranch. The development agreement was approved prior to the creation of the zoning districts.

The development agreement permitted a maximum of 91 residential lots that were generally 80’ wide and 140’ deep and ranging from 0.26 acres to 1.68 acres, with almost half of the lots being less than 0.3 acres. The residential development was proposed to be developed in three (3) phases. Phase 1 has been approved and is under construction. Phase 1 has been designated as Existing Residential on the Future Land Use Map (FLUM). Phase 2 and 3 are in the process of being platted.

Reason for the Request

The City’s Comprehensive Plan was updated in 2018 and the Future Land Use Map (FLUM) of the updated Comprehensive Plan designated the platted Phase 1 of Arbors development as Existing Residential. The Existing Residential designation was appropriate for the area, as approved in the Development Agreement and as platted. As indicated earlier, the Existing Residential classification was created for neighborhoods that were platted and mostly built-out before zoning districts were created and were governed by land covenants and deed restrictions. The remaining two unplatted phases were designated as Neighborhood Residential (NR).

At the time of the Comprehensive Plan update, the Future Land Use Map (FLUM) designated Phases 2 and 3 of Arbors development as Neighborhood Residential (NR), a classification that is appropriate for low to medium density development where the minimum lot size is 1 acre (or 0.75 acre for areas built under the Conservation Development Alternative). The approved lot sizes as prescribed in the approved Development Agreement, do not meet this criterion and therefore the NR designation is not suitable for the approved development. The proposed classification of Existing Residential (R1) is more appropriate and will bring the approved Arbors Development in to conformance with the Future Land Use Map (FLUM) and the Comprehensive Plan.

This Comprehensive Plan amendment will support the proposed zone change request by the owners to rezone the property from NR to R1 to reflect the development that was approved in 2018.

Public Notification

As required, a notice of the public hearing was published in the Boerne Star newspaper on April 24, 2020.

Opposition to or Support of Proposed Request

City staff has not received any public comments in opposition to or in support of the Comprehensive Plan amendment.

Criteria for Review

The Unified Development Code (UDC) states:

“In determining whether to approve, approve with modifications, or disapprove a proposed amendment, the City Council will consider the following matters regarding the proposed amendment:

- i. Whether the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- ii. Whether the proposed amendment is consistent with the Future Land Use element of the most recent version of Comprehensive Plan.
- iii. Whether the proposed amendment is consistent with other goals and objectives of the Comprehensive Plan.
- iv. Unified Development Code Compliance. No requirement of the procedure for Comprehensive Plan or Code amendments may govern if in conflict with specific provisions of this Code or Comprehensive Plan. Any potential conflicts of proposed amendments with the UDC or Comprehensive Plan will be considered and dealt with prior to the review and adoption of any amendment.
Unified Development Code Compliance and Consideration of Conflicts. Any potential conflict between the proposed amendment(s) and the UDC or other parts of the Comprehensive Plan should be dealt with prior to (or as part of) the adoption of any amendment.
- v. Other criteria deemed relevant and important by the City Council in relationship to the proposed amendment in taking final action on the proposed amendment.”

Staff Recommendation

Staff recommends approval of the Comprehensive Plan amendment for the following reasons:

- A. The proposed amendment will accurately reflect the approved Development Agreement for the property. The proposed Existing Residential classification was created for neighborhoods, such as the subject development, that were platted and mostly built-out before zoning districts were created and that are also governed by land covenants and deed restrictions.
- B. The proposed amendment will permit the appropriate zoning classification of Existing Residential (R1) to be placed on the property and will permit lot sizes as approved Development Agreement for the property.
- C. Staff believes that the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- D. Staff believes the proposed amendment is consistent with other goals and objectives of the Comprehensive Plan.
- E. With approval of the subsequent zone change request any potential conflicts of proposed amendments with the UDC, Comprehensive Plan, or approved Development Agreement will be eliminated.

Amendment Process

The Comprehensive Plan amendment process is similar to a zone change process. After the joint public hearing, Planning and Zoning Commission will review the request and will forward their recommendation to the City Council. The City Council will review the request, consider Planning and Zoning Commission's recommendation, and will take final action on proposed amendment.

Exhibits

1. Aerial Map
2. Existing Future Land Use Map (FLUM)
3. Proposed Future Land Use Map (FLUM)
4. Floodplain Map

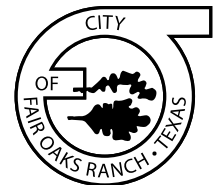
Exhibit 2 FLUM MAP EXISTING

ARBORS AT FAIR OAKS RANCH

Unit 2

CPA No. 2020-01

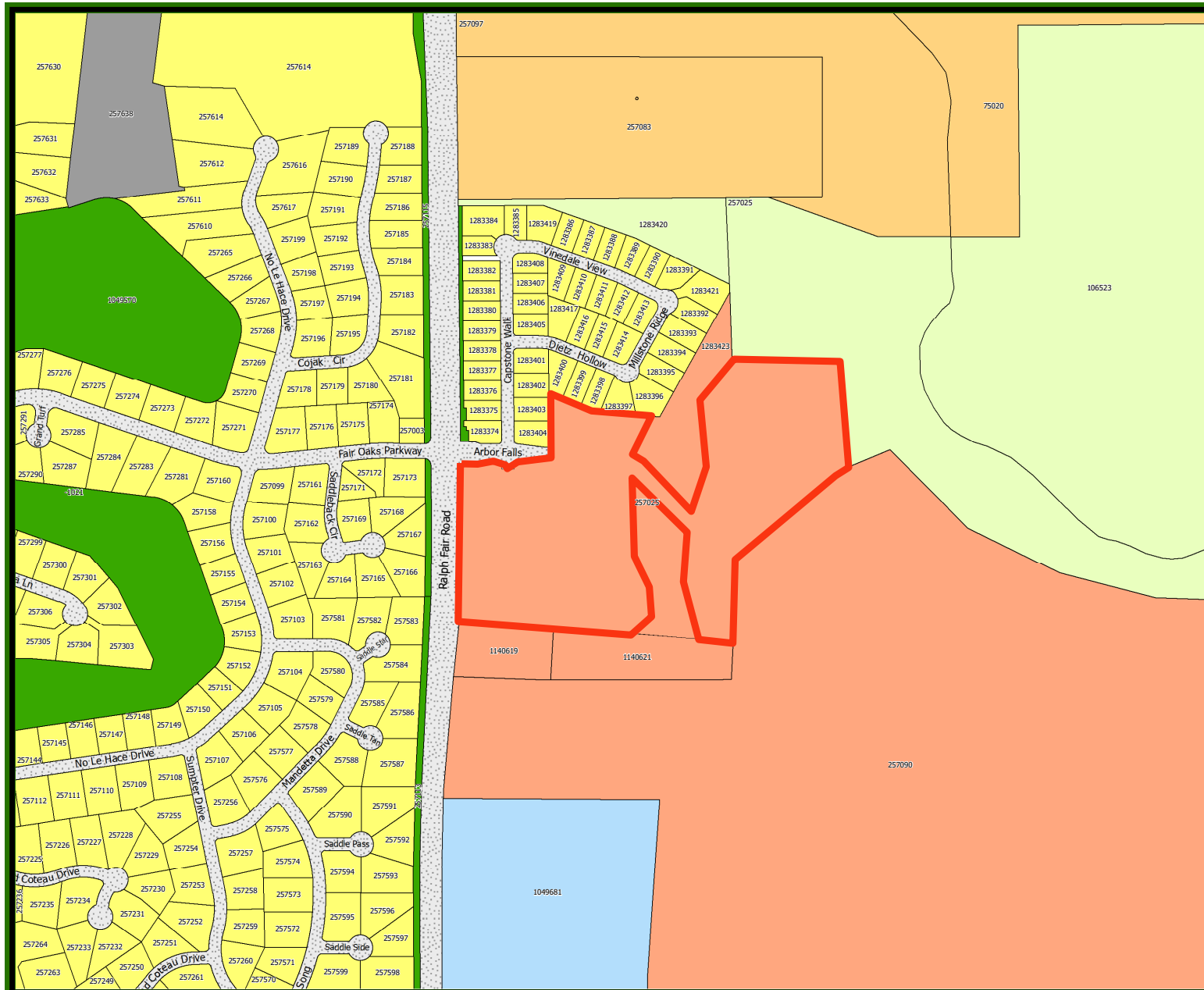
- Subject Property**
- Civic & Community Facilities
- Existing Residential
- Rural Residential
- Neighborhood Residential
- Existing Parks and Open Space
- Parks and Open Space
- Mixed Use Village



April 2020



1" ≈ 600'



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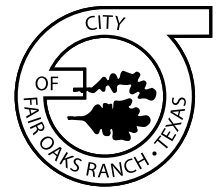
Exhibit 3 FLUM MAP PROPOSED

ARBORS AT FAIR OAKS RANCH

Unit 2

CPA No. 2020-01

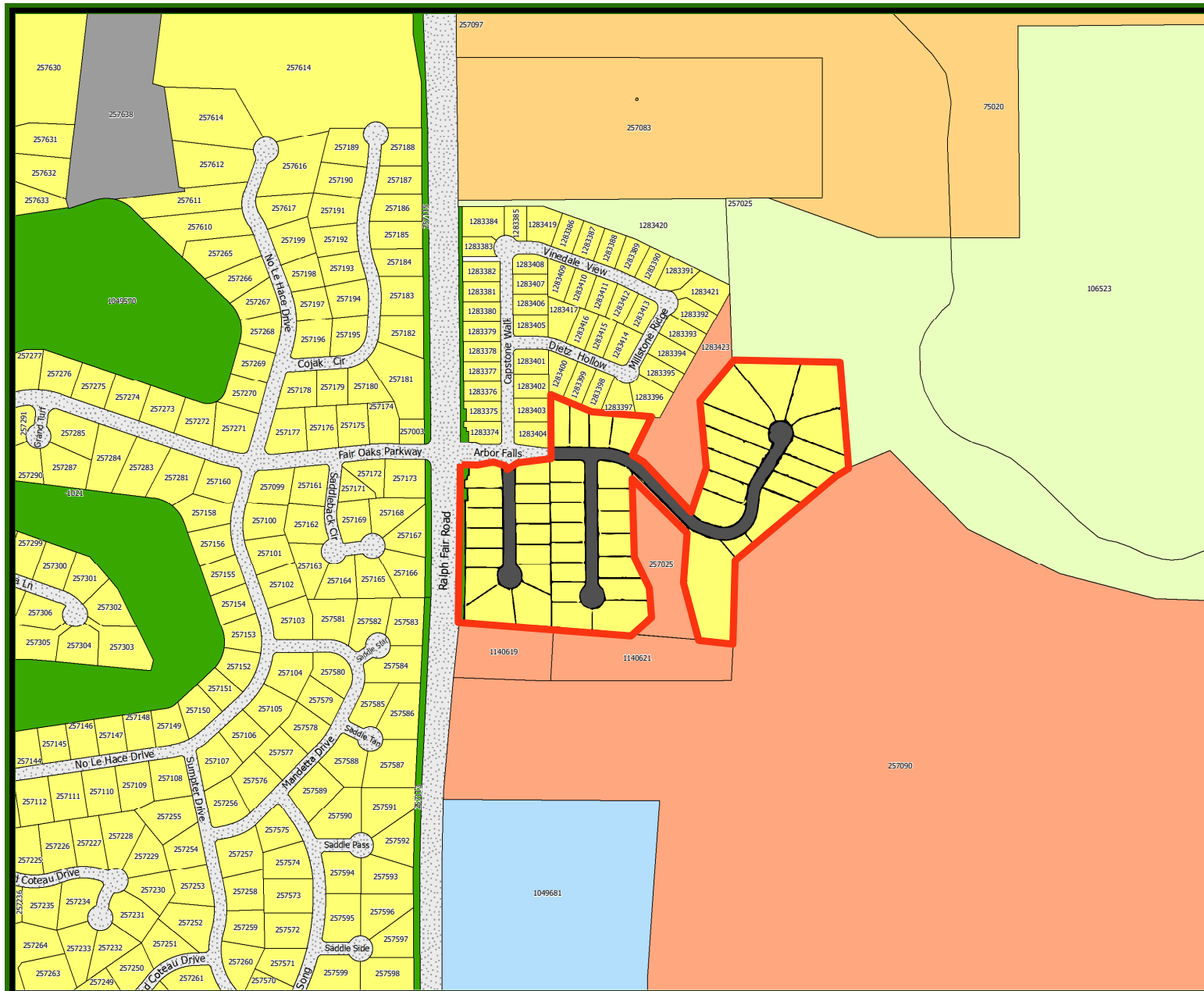
- Subject Property
- Civic & Community Facilities
- Existing Residential
- Rural Residential
- Neighborhood Residential
- Existing Parks and Open Space
- Parks and Open Space
- Mixed Use Village



April 2020



1" ≈ 600'



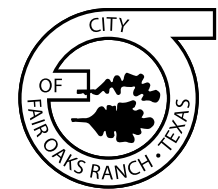
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Exhibit 4 FLOODPLAIN MAP

ARBORS AT FAIR OAKS RANCH Unit 2

CPA No. 2020-01

-  Subject Property
-  High Risk Area
-  High Risk Area - Floodway
-  Moderate Risk Area



April 2020



1" ≈ 600'



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CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 4, 2020

AGENDA TOPIC: Approval of the second reading of an Ordinance to change zoning classification from Neighborhood Residential (NR) to Existing Residential 1 (R1) for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

DATE: June 4, 2020

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lata Krishnarao, AICP, LEED ND, 3rd Party Planning Consultant, Gunda Corporation

INTRODUCTION/BACKGROUND:

A joint public hearing was held with City Council and the Planning and Zoning (P&Z) Commission on May 14, 2020 for the zoning application, ZC 2020-01. The subject property of approximately 22.60 acres exists along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. The request is for a zoning change from Neighborhood Residential (NR) to allow for an appropriate zoning classification to be placed on the subject property for a single-family residential development that is consistent with the existing development agreement. The development agreement was approved prior to the establishment of zoning codes within the city.

Following the joint public hearing on May 14, 2020, the P&Z Commission conducted their regularly scheduled meeting. By a vote of 7-0, the P&Z Commission voted to recommend approval of the zoning change request to the City Council.

The first reading of this Ordinance was approved by Council at the May 21, 2020 Council Meeting. The City Council is the final authority on all zoning change applications. An ordinance is required to amend the zoning of the subject property and to amend the Official Zoning Map of the City.

LEGAL ANALYSIS:

The attached staff report and the joint public hearing held on May 14, 2020 demonstrate compliance with the requirements as prescribed in Chapter 211 of the Local Government Code and the City's zoning ordinance.

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to approve the ordinance amending the official zoning map by zoning approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection, generally known as The Arbors Development, from Neighborhood Residential (NR) to Existing Residential 1 (R1).

AN ORDINANCE

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, TO CHANGE THE ZONING CLASSIFICATION FROM NEIGHBORHOOD RESIDENTIAL (NR) TO EXISTING RESIDENTIAL 1 (R1) FOR APPROXIMATELY 22.60 ACRES GENERALLY LOCATED ALONG THE EAST SIDE OF RALPH FAIR ROAD AT THE SOUTHEAST CORNER OF RALPH FAIR ROAD AND THE FAIR OAKS PARKWAY/ARBOR FALLS INTERSECTION. GENERALLY KNOWN AS THE ARBORS DEVELOPMENT.

WHEREAS, an application to rezone approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls Intersection, generally known as The Arbors Development, from Neighborhood Residential (NR) to existing Residential (R1) and more particularly described in the attached Exhibit 1 (herein, the "Property") has been filed with the City; and

WHEREAS, the City Council of the City of Fair Oaks Ranch, Texas has previously created and appointed a Planning and Zoning Commission as authorized by the Texas Local Government Code; and

WHEREAS, the Texas Local Government Code authorizes a municipality to adopt zoning districts after compliance with statutory notice provisions; and,

WHEREAS, on May 14, 2020, the City Council and Planning and Zoning Commission conducted a joint public hearing on the potential rezoning application; and

WHEREAS, on May 14, 2020, the Planning and Zoning Commission after considering the testimony and evidence, hereby makes a recommendation of approval of the rezoning application; and

WHEREAS, on May 21, 2020, the City Council after considering the testimony, evidence and recommendation by the Planning and Zoning Commission, determined it to be in the public interest to approve the Zoning Change request by amending the City's Comprehensive Zoning Ordinance and Zoning Map, which in its best judgment promotes the health, safety, morals, and general welfare and protects the use and enjoyment of property throughout the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, THAT:

Section 1. The Property generally known as The Arbors Development, and located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection as shown in the attached Exhibit 1, and described in the attached Exhibit 2, is hereby zoned to Existing Residential 1 (R1).

Section 2. The Official Zoning Map of the City of Fair Oaks Ranch, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

- Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.
- Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.
- Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Fair Oaks Ranch, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Fair Oaks Ranch except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED on first reading this 21st day of May, 2020.

PASSED, APPROVED and ADOPTED on the second reading this 4th day of June, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech,
P.C., City Attorney

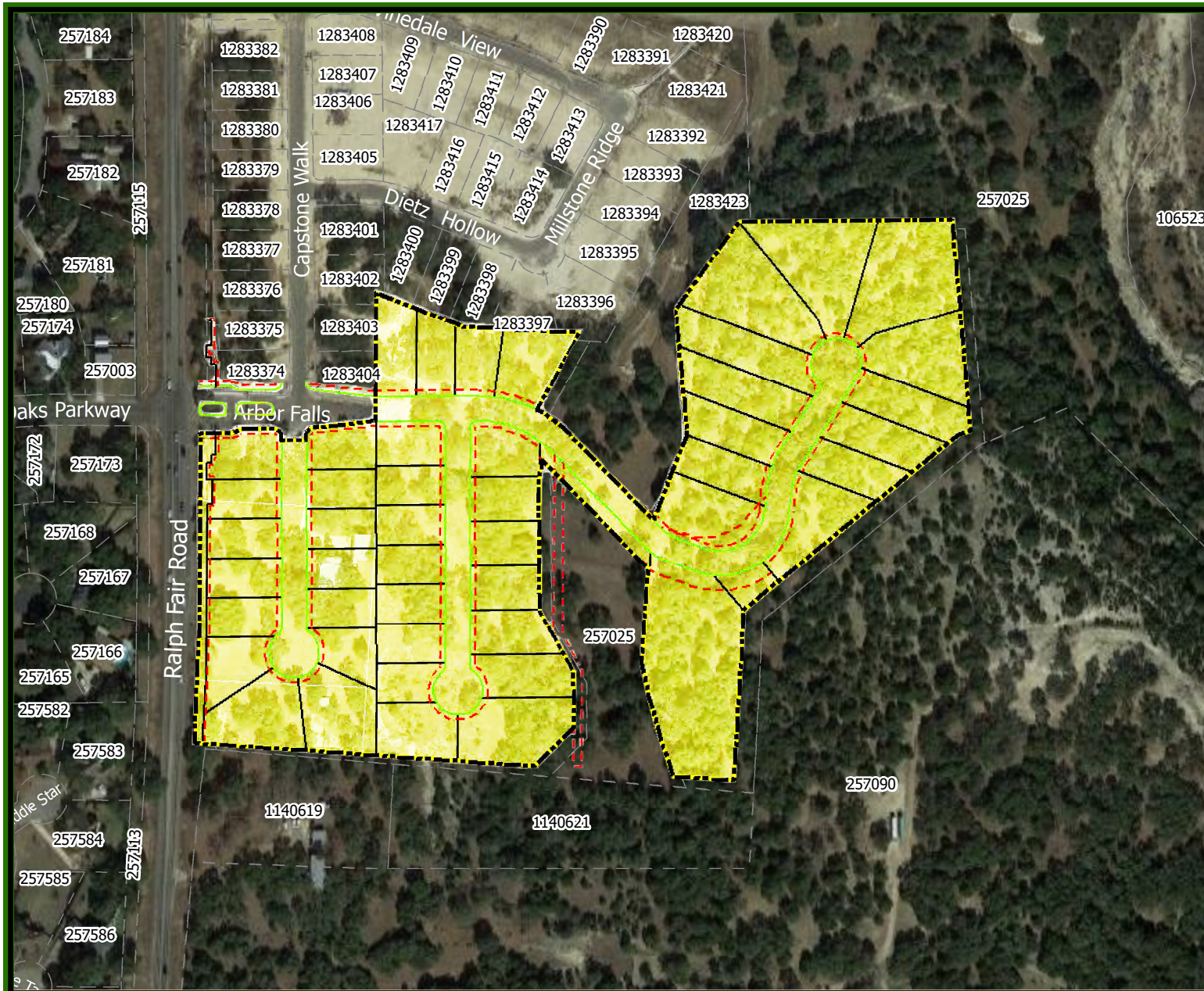
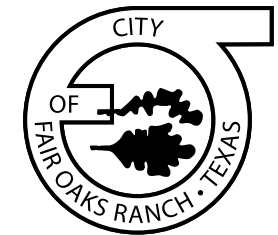


Exhibit 1 AERIAL MAP

ARBORS AT FAIR OAKS RANCH Unit 2A

ZC No. 2020-01

 Subject Property



April 2020



1" ≈ 300'

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**FIELD NOTES
FOR
A 22.60 ACRE TRACT
(PHASE 2 - REZONING)**

A **22.60 acre** tract of land, out of the Maria De La Luz Guerra Survey No. 172, Abstract 257, Bexar County, Texas and being a portion of a called 145.4 acre tract of land conveyed to SF Fair Oaks Development, LLC., of record in Volume 17835, Page 1589 of the Official Public Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMENCING at a found $\frac{1}{2}$ " iron rod in a curve in the east line of F.M. 3351, a 100.00 wide right-of-way, also known as Ralph Fair Road, for the northwest corner of a called 8.750 acre tract of land conveyed to Stemen & Co., LLC., of record in Volume 14036, Page 405 of the Official Public Records of Bexar County, Texas, the southwest corner of the 145.4 acre tract, from which a found 1" iron square for a point of tangency of the 145.4 acre tract bears, with a non-tangent curve to the left having a radius of 5779.58 feet, a delta angle of $03^{\circ} 27' 01''$, an arc length of 348.04 feet and a chord bears $N 01^{\circ} 13' 29'' E$, a distance of 347.99 feet;

THENCE: $S 85^{\circ} 26' 51'' E$, leaving the east line of Ralph Fair Road, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of 10.00 feet to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the left, the southwest corner and **POINT OF BEGINNING** of the tract described herein;

THENCE: leaving the north line of the 8.750 acre tract, into and across the 145.4 acre tract, the following twenty-four courses:

1. With the curve to the left having an arc length of **348.92 feet**, a radius of **5789.58 feet**, a delta angle of **$03^{\circ} 27' 11''$** and a chord bears **$N 01^{\circ} 13' 34'' E$** , a distance of **348.87 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
2. **$N 00^{\circ} 30' 01'' W$** , a distance of **277.90 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for the most westerly northwest corner of the tract described herein,
3. **$S 89^{\circ} 44' 55'' E$** , a distance of **60.60 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
4. **$N 69^{\circ} 10' 03'' E$** , a distance of **22.93 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
5. **$S 89^{\circ} 44' 55'' E$** , a distance of **68.11 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the right of the tract described herein,
6. With the curve to the right having an arc length of **23.37 feet**, a radius of **15.00 feet**, a delta angle of **$89^{\circ} 14' 54''$** and a chord bears **$S 45^{\circ} 07' 28'' E$** , a distance of **21.07 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
7. **$S 00^{\circ} 30' 01'' E$** , a distance of **10.25 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
8. **$N 89^{\circ} 29' 59'' E$** , a distance of **50.00 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
9. **$N 00^{\circ} 30' 01'' W$** , a distance of **10.55 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the right of the tract described herein,

10. With the curve to the right having an arc length of **22.15 feet**, a radius of **15.00 feet**, a delta angle of **84° 36' 09"** and a chord bears **N 41° 48' 03" E**, a distance of **20.19 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
11. **N 84° 06' 08" E**, a distance of **116.58 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
12. **S 89° 44' 55" E**, a distance of **10.80 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
13. **N 00° 15' 05" E**, a distance of **50.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
14. **N 00° 33' 28" W**, a distance of **211.22 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
15. **S 67° 59' 27" E**, a distance of **191.25 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
16. **S 86° 10' 59" E**, a distance of **233.28 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
17. **S 29° 11' 51" W**, a distance of **175.27 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner and point of curvature to the right of the tract described herein,
18. With the curve to the right having an arc length of **82.78 feet**, a radius of **255.00 feet**, a delta angle of **18° 35' 59"** and a chord bears **S 53° 33' 31" E**, a distance of **82.42 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
19. **S 44° 15' 31" E**, a distance of **246.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
20. **N 21° 18' 53" E**, a distance of **183.20 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
21. **N 05° 59' 53" W**, a distance of **253.50 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
22. **N 35° 51' 42" E**, a distance of **219.73 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
23. **N 89° 46' 29" E**, a distance of **429.66 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
24. **S 05° 20' 39" E**, a distance of **428.06 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" in a north line of a called 159.74 acre tract of land conveyed to the Corley Family LLC., described by Exhibit A, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, for the most easterly southeast corner of the tract described herein;

THENCE: Along and with the common line between the 159.74 acre tract and the 145.4 acre tract, the following three (3) courses

1. **S 67° 21' 29" W**, a distance of **25.31 feet** to a found ½" iron rod with a red plastic cap stamped "CUDE" for an angle point of the tract described herein,
2. **S 51° 01' 46" W**, a distance of **557.40 feet** to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein, and

3. **S 02° 59' 24" W**, a distance of **345.30 feet** to a red plastic cap stamped "MATKIN HOOVER" for the northeast corner of the 8.750 acre tract, the most southerly southeast corner of the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" for the southeast corner of the 8.750 acre tract, a called 154.12 acre tract conveyed to David A. Owens, described by Exhibit B, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, and an interior corner of the 159.74 acre tract bears S 02° 59' 24" W, a distance of 331.85 feet;

THENCE: N 85° 26' 51" W, leaving the west line of the 159.74 acre tract, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of **1088.71 feet**;

THENCE: leaving the north line of the 8.750 acre tract, into and across the 145.4 acre tract, the following sixteen (16) courses:

1. With the curve to the left having an arc length of **348.92 feet**, a radius of **5789.58 feet**, a delta angle of **03° 27' 11"** and a chord bears **N 01° 13' 34" E**, a distance of **348.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
2. **N 20° 24' 42" W**, a distance of **60.44 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
3. **N 15° 34' 48" W**, a distance of **108.19 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
4. **N 12° 10' 17" W**, a distance of **66.91 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
5. **N 03° 50' 56" W**, a distance of **229.66 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
6. With the curve to the left having an arc length of **16.64 feet**, a radius of **135.00 feet**, a delta angle of **07° 03' 52"** and a chord bears **N 47° 47' 27" W**, a distance of **16.63 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
7. **N 44° 15' 31" W**, a distance of **271.53 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the left of the tract described herein,
8. With the curve to the left having an arc length of **31.08 feet**, a radius of **205.00 feet**, a delta angle of **08° 41' 16"** and a chord bears **N 48° 36' 09" W**, a distance of **31.05 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
9. **S 00° 30' 01" E**, a distance of **346.81 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
10. **S 30° 14' 31" E**, a distance of **138.33 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
11. **S 00° 14' 31" E**, a distance of **111.84 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
12. **S 43° 40' 39" W**, a distance of **89.18 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
13. **N 85° 26' 51" W**, a distance of **68.09 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
14. **S 67° 20' 43" W**, a distance of **10.94 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
15. **N 85° 26' 51" E**, a distance of **610.13 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,

16. **S 03° 09' 22" W**, a distance of **13.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point on the north line of the 8.750 acre tract, an angle point of the tract described herein,

THENCE: N 85° 26' 51" W, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of **15.01 feet** to the **POINT OF BEGINNING** and containing **22.60 acres** situated in Bexar County, Texas. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99982917988.

Job No.: 15-133
Prepared by: KFW Surveying
Date: November 30, 2017
File: S:\Draw 2015\15-133 FM 3351 145 Acres\DOCS\Zoning FN\FN – 22.60 Arbors at Fair Oaks Ph 2
Rezoning

NOTE: THIS LEGAL DESCRIPTION IS INTENDED FOR REZONING PURPOSES ONLY AND DOES NOT REPRESENT A LEGAL BOUNDARY SURVEY.

STAFF REPORT

To: City Council
From: Public Works Department
Date: June 4, 2020
Re: Zone Change Application No: ZC 2020-01

A request from SF Fair Oaks Development, LLC., applicant and property owner, to change the zoning classification of approximately 23 acres from Neighborhood Residential (NR) to Existing Residential 1 (R1).

General Location: 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

Summary of Request

The applicant is requesting rezoning to allow for an appropriate zoning classification to be placed on the subject property for a single-family residential development that is consistent with the existing development agreement. The development agreement was approved prior to the establishment of zoning codes within the city.

The Unified Development Code (UDC) describes the current and proposed zoning categories as follows:

“Neighborhood Residential District (NR): The Neighborhood Residential District (NR) serves as the residential district for areas where low-to-medium density development is appropriate in Fair Oaks Ranch. The lots are a minimum of 1 acre (or an average of 0.75 acres using the Conservation Development Alternative Minimum to incentivize conservation areas). The NR district allows a variety of lot sizes and housing. NR developments provide pedestrian-friendly residential neighborhoods, protected from incompatible uses. Residences in the NR district are appropriate primarily for direct access to Local Connector streets, Local Neighborhood Residential streets and Rural Residential streets.”

“Existing Residential 1 (R1): The Existing Residential 1 (R1) category governs the most dense existing residential types with lot sizes generally under 0.3 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.”

Site History

A Preliminary Plat establishing the Preserve at Fair Oaks on approximately 145 acres of land (generally referred to as the “Owen’s Tract” was submitted to the City in November 2015. Subsequently, in February 2016, a development agreement was signed by the City of Fair Oaks Ranch, David and Dianne Owens, and Scott Felder Homes for this 145-acre tract. This subdivision was renamed as Arbors at Fair Oaks Ranch. The development agreement was approved prior to the creation of the zoning districts.

The development agreement permitted a maximum of 91 residential lots that were generally 80' wide and 140' deep and ranging from 0.26 acres to 1.68 acres, with almost half of the lots being less than 0.3 acres. The residential development was proposed to be developed in three (3) phases. Phase 1 has been platted and is under construction. Phase 1 is zoned Existing Residential 2 (R2). Phase 2 and 3 are in the process of being platted and are included in this zone change application.

When the Unified Development Code (UDC) was adopted in 2019, Phases 2 and 3 of the Arbors Development were zoned Neighborhood Residential (NR) in accordance with the Comprehensive Plan's land use designation. However, the Neighborhood Residential (NR) zoning category require larger lots than those approved in the development agreement and therefore conflicts with the development agreement. The applicant is ready to start construction of Phases II and III and has submitted a subdivision plat. Even though the lot sizes shown on the subdivision plat conform with the development agreement, the subdivision plat cannot be approved as the lot sizes do not conform to the current zoning of the property.

To rectify this situation, as indicated by the application reviewed prior to this one, the City is initiating a Comprehensive Plan amendment to change the land use designation of the property to facilitate approval of the proposed Existing Residential 1 (R1) zoning. Once this rezoning is approved, the applicant will be able to proceed with the subdivision plat approval.

Location and Surroundings

The site, known as Arbors Development, is generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. A summary of the surrounding land uses and zoning designations can be found in the following table:

Zoning		Current Land Use
NORTH	Existing Residential 2	Single Family Residential (Arbors Phase I under Construction)
SOUTH	Neighborhood Residential	Rural Acreage/Undeveloped
EAST	Neighborhood Residential	Rural Acreage/Undeveloped
WEST	Existing Residential 2	Single Family Residential
NORTHEAST	Parks and Open Space	Open Space/Creek

Conformance with Future Land Use Map

The Future Land Use Map (FLUM) adopted in June of 2018 designates this property as Neighborhood Residential (NR). The NR designation is described as – "The Neighborhood

Residential district (NR) serves as a residential zone for areas where low-to-medium density development is appropriate in Fair Oaks Ranch (beyond the Existing Residential districts). The district accommodates a fairly wide variety of housing needs and types by allowing for contextual development standards. NR developments should provide for pedestrian-friendly residential neighborhoods, protected from incompatible uses. Residences in the NR district are appropriate for direct access to primarily Local Connector streets, Local Neighborhood Residential streets and Rural Residential streets.”

The proposed zoning category will not be in conformance with the current land use designation. However, as stated earlier, the City is proposing an amendment to the Comprehensive Plan to change the land use classification in the Future Land Use Map from Neighborhood Residential (NR) to Existing Residential (R1). The R1 designation is described as follows – “The Existing Residential (ER) categories are intended to capture the neighborhoods already existing in Fair Oaks Ranch as the comprehensive plan exercise commenced. These neighborhoods were platted, and mostly built-out, before zoning districts were created. Construction standards and densities in these areas have historically been governed by land covenants and deed restriction committees.”

Once the Comprehensive Plan amendment is approved, the proposed zoning category will be in conformance with the Future Land Use Map.

Conformance with the Unified Development Code (UDC)

As per the UDC, Neighborhood Residential (NR) zoning is “... appropriate for low to medium density development where the minimum lot size is 1 acre (or 0.75 acre for areas built under the Conservation Development Alternative).” The lot sizes approved by the development agreement for Arbors, ranging from 0.26 acres to 1.68 acres with almost half of the lots being less than 0.3 acres, do not meet this criterion and therefore the Neighborhood Residential (NR) zoning is not appropriate for the approved development. The proposed zoning of Existing Residential (R1) that permits lot sizes to be under 0.3 acres and other development standards to be controlled by deed restrictions will be more suitable and ensure that the approved Arbors Development is in conformance with the UDC.

Conformance with the Character of the Area

The proposed zoning will allow for development that will be compatible with the existing development in the area and future uses permitted by zoning of surrounding properties. The proposed single family residential in Phases 2 and 3 of the Arbors Development will be similar in character to the homes being constructed in Phase I.

Conformance with the Availability of Utilities

The development will be adequately serviced by City water and sewer.

Public Notification

As required, City staff sent public notices, public comment forms, and location map to all properties within 200 feet of the subject property, inclusive of the applicant/owner. Additionally, notice of the public hearing was published in the Boerne Star newspaper on April 24, 2020.

Opposition to or Support of Proposed Request

Staff received one response (Letter included as an exhibit).

Criteria for Review

The Unified Development Code (UDC) states:

“Zoning changes may be approved when the following standards are met:

1. The zoning change is consistent with the Comprehensive Plan;
2. The zoning change promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
3. The zoning change is compatible with and conforms with uses of nearby property and the character of the neighborhood;
4. The property affected by the zoning change is suitable for uses permitted by the proposed amendment to the zoning map;
5. Infrastructure, including roadway adequacy, sewer, water and storm water facilities, is or is committed to be available that is generally suitable and adequate for the proposed use; and
6. Zoning Variance requests will not be considered. Zoning changes must be made by Zoning Map Amendment. All amendments must be in accordance with the Comprehensive Plan, which may be amended according to the procedure in this Section. Newly annexed areas will be zoned during the annexation process.”

Staff Recommendation

Staff recommends approval of the zoning change request for the following reasons:

1. The zoning change will be consistent with the amended Comprehensive Plan.
2. The proposed zoning change is in conformance with the UDC that recommends Existing Residential (R1) for approved developments that are denser and are controlled by the applicable deed restrictions.
3. The zoning change is compatible with the surrounding properties and the character of the neighborhood, especially Phase I of the Arbors Development;
4. Staff does not believe that the zoning change will have a detrimental effect on the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
5. Staff does not believe the proposed use will have a significant impact on the health, safety and welfare of the surrounding neighborhoods.
6. Staff does not believe the proposed use will have a significant impact on public infrastructure such as roads, parking facilities and water and sewer systems.
7. Staff does not believe the proposed use will have a significant impact on public services such as police and fire protection and solid waste collection.

Exhibits

1. Aerial Map
2. Existing Zoning Map
3. Proposed Zoning Map
4. Existing Future Land Use Map (FLUM)
5. Proposed Future Land Use Map(FLUM)
6. Notification Map
7. Floodplain Map
8. Notification List
9. Applicant Packet and Statement
10. Citizen letter - 1

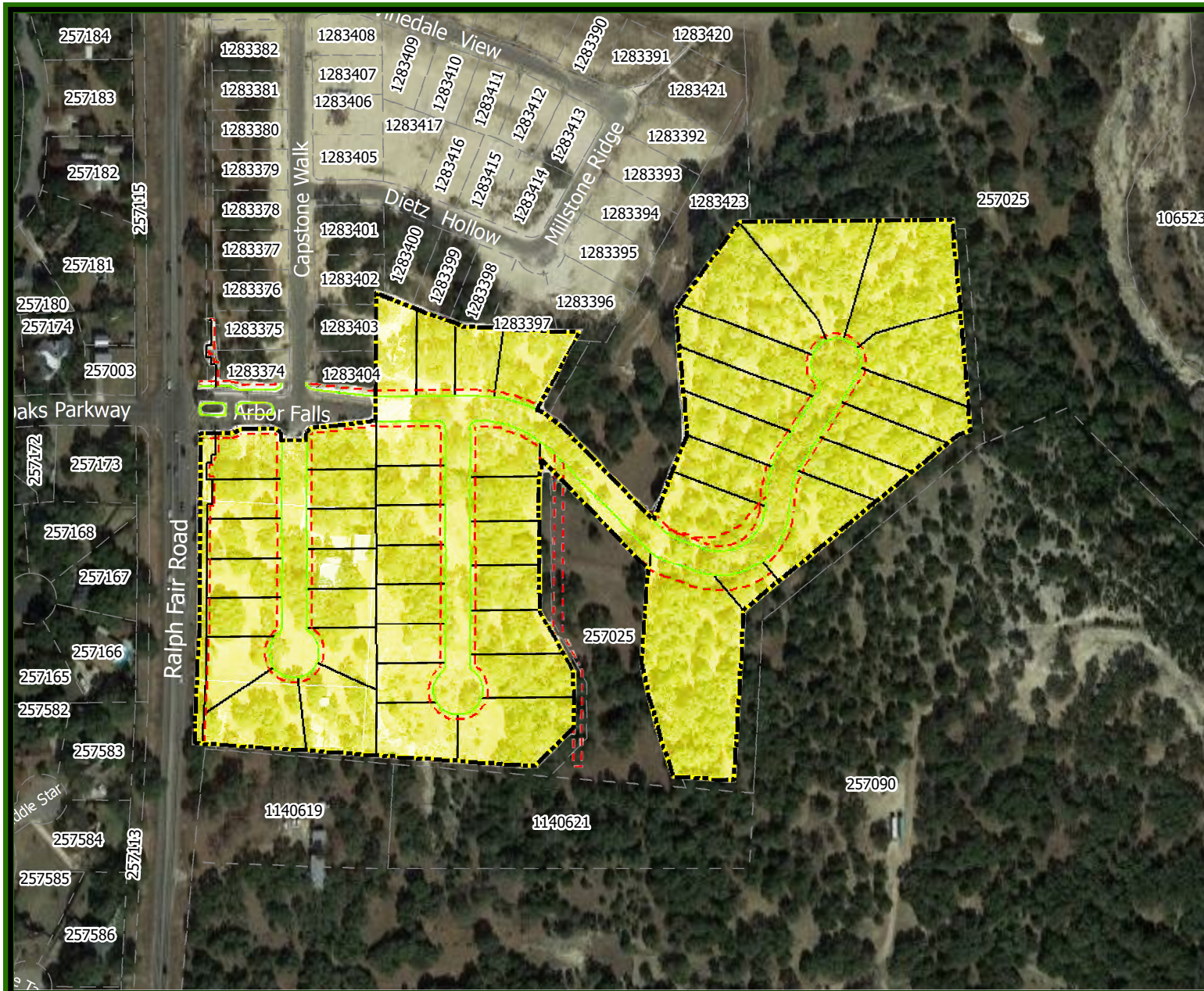
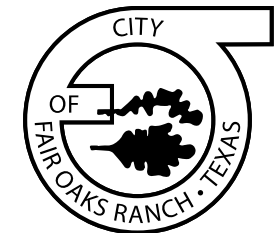


Exhibit 1 AERIAL MAP

ARBORS AT FAIR OAKS RANCH Unit 2A

ZC No. 2020-01

 Subject Property



April 2020

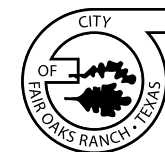


1" ≈ 300'

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ZC No. 2020-01

- Subject Property**
- Civic & Community Facilities
- Existing Residential Two
- Neighborhood Residential
- Rural Residential
- Parks and Open Space
- Mixed Use Village
- Secondary Frontage



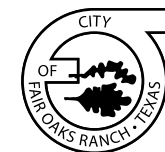
April 2020


$$1'' \approx 600'$$

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ZC No. 2020-01

- Subject Property**
- Civic & Community Facilities
- Existing Residential One
- Existing Residential Two
- Neighborhood Residential
- Rural Residential
- Parks and Open Space
- Mixed Use Village
- Secondary Frontage



April 2020


$$1'' \approx 600'$$

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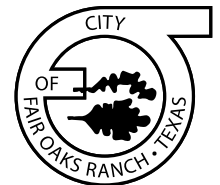
Exhibit 4 FLUM MAP EXISTING

ARBORS AT FAIR OAKS RANCH

Unit 2

ZC No. 2020-01

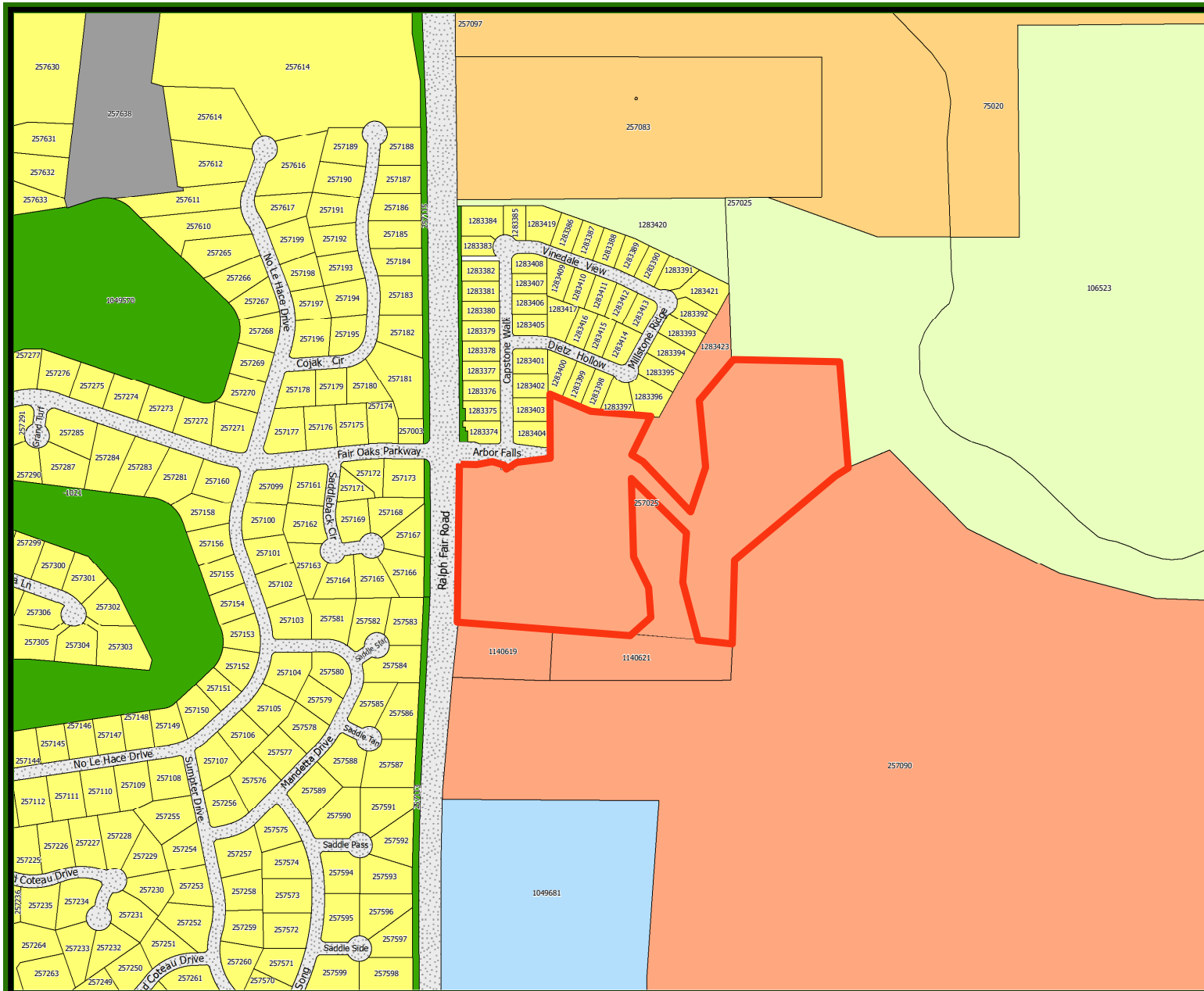
- Subject Property
- Civic & Community Facilities
- Existing Residential
- Rural Residential
- Neighborhood Residential
- Existing Parks and Open Space
- Parks and Open Space
- Mixed Use Village



April 2020



1" ≈ 600'



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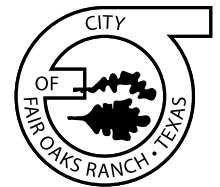
Exhibit 5 FLUM MAP PROPOSED

ARBORS AT FAIR OAKS RANCH

Unit 2

ZC No. 2020-01

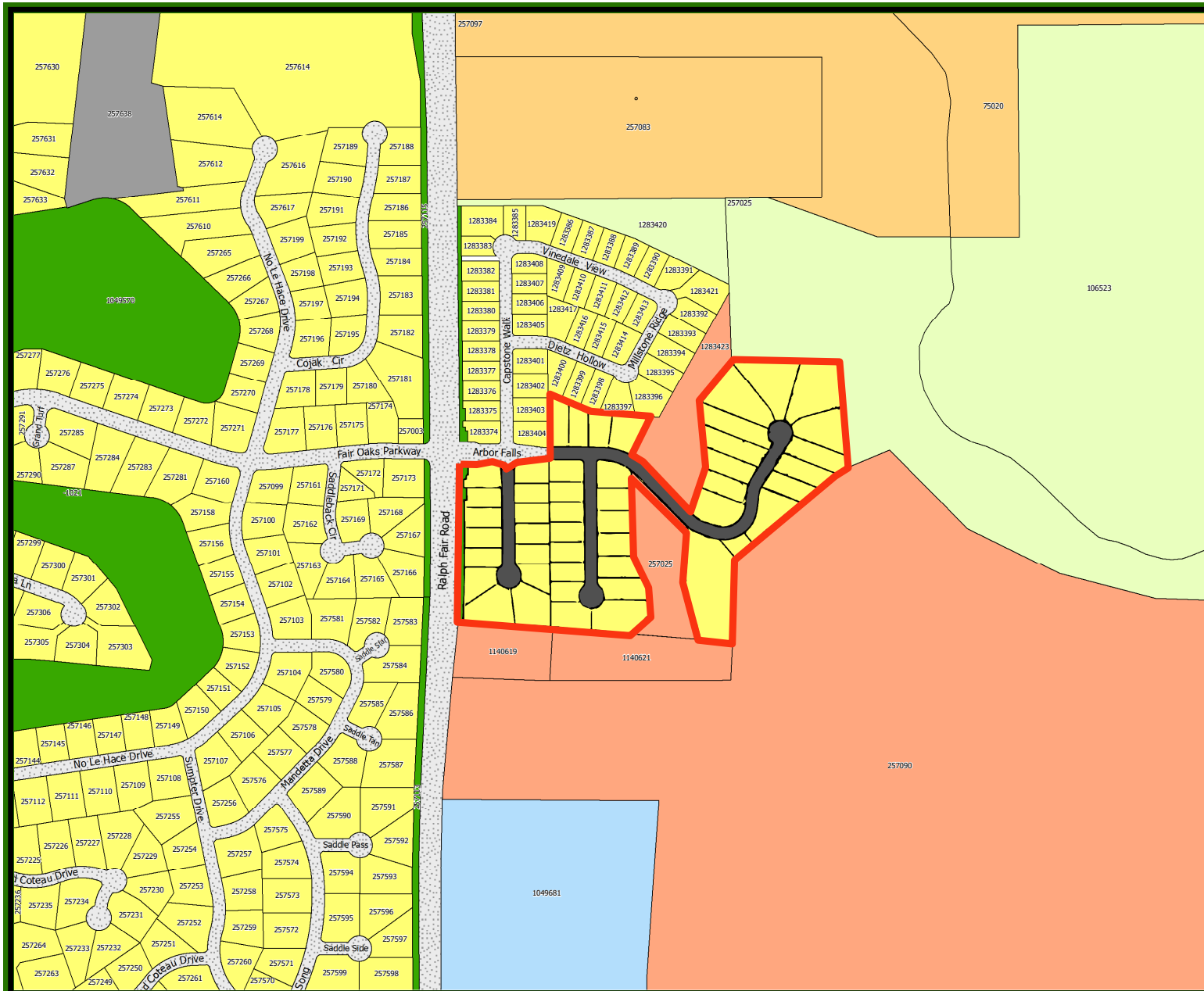
- Subject Property
- Civic & Community Facilities
- Existing Residential
- Rural Residential
- Neighborhood Residential
- Existing Parks and Open Space
- Parks and Open Space
- Mixed Use Village



April 2020



1" ≈ 600'



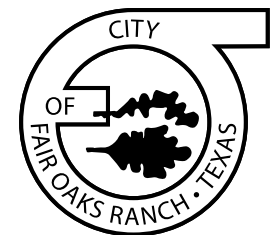
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Exhibit 6 NOTIFICATION MAP

ARBORS AT FAIR OAKS RANCH Unit 2

ZC No. 2020-01

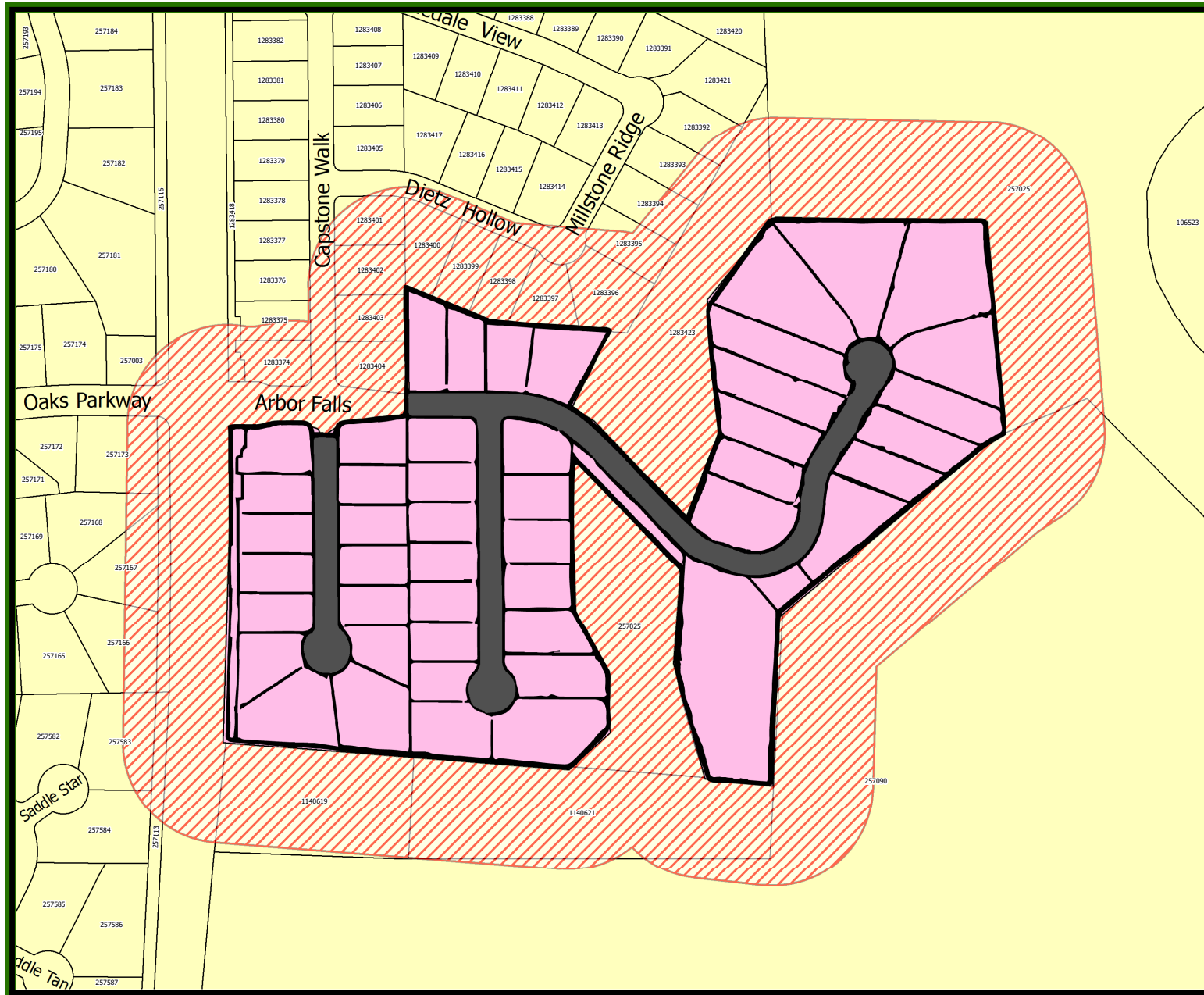
-  Subject Property
-  Notification Area
-  FOR Jurisdictional Area



April 2020



1" ≈ 300'



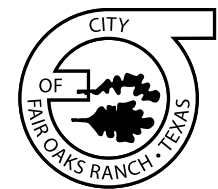
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Exhibit 7 FLOODPLAIN MAP

ARBORS AT FAIR OAKS RANCH Unit 2

ZC No. 2020-01

-  Subject Property
-  High Risk Area
-  High Risk Area - Floodway
-  Moderate Risk Area



April 2020



1" ≈ 600'



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ZC 2020-01
Properties within 200 Feet

Exhibit 8

Site Address	Mailing Address	Prop ID	Ac.	Owner	Legal Description
29580 RALPH FAIR RD	PO BOX 561655 CHARLOTTE, NC 28256-1655	257090	159.74	CENTURY OAKS LAND LLC	CB 4741 P-29 ABS 257 FORMERLY P-3
29580 RALPH FAIR RD	7143 VALBURN DR AUSTIN, TX 78731-1812	257025	39.72	SF FAIR OAKS DEVELOPMENT LLC	CB 4741 P-3B ABS 257
RALPH FAIR RD	7286 DIETZ ELKHORN RD FAIR OAKS RANCH, TX 78015-4707	257115	1.62	FAIR OAKS RANCH HOA INC	CB 4741A P-101 (COMMON AREA)
7201 FAIR OAKS PKWY	% RASH & ASSOC PO BOX 1600 ROWLETT, TX 75030-1600	257003	0.23	GUADALUPE VALLEY TELEPHONE	CB: 4741 P-1C ABS: 257 FAIR OAKS RANCH UNIT-O
RALPH FAIR RD	7286 DIETZ ELKHORN RD FAIR OAKS RANCH, TX 78015-4707	257113	0.13	FAIR OAKS RANCH HOA INC	CB 4741A P-100 (COMMON AREA)
29708 SADDLEBACK CIR	29708 SADDLEBACK CIR BOERNE, TX 78015-4531	257166	0.58	MARTINEZ MARIANNE R	CB 4741A BLK LOT 148
7190 FAIR OAKS PKWY	31038 KEENELAND DR FAIR OAKS RANCH, TX 78015-4247	257173	0.56	KRISTIANSEN MARIA & DENISE	CB 4741A BLK LOT 153
29716 SADDLEBACK CIR	29716 SADDLEBACK CIR FAIR OAKS RANCH, TX 78015-4531	257168	0.53	MCCARTY JULIANNE	CB 4741A BLK LOT 150
29712 SADDLEBACK CIR	29712 SADDLEBACK CIR BOERNE, TX 78015-4531	257167	0.5	BROWNE DREW A & YVONNE	CB 4741A BLK LOT 149
7202 SADDLE STAR	7202 SADDLE STAR BOERNE, TX 78015-4531	257584	0.66	UNKNOWN	CB: 4741A LOT: 774 FAIR OAKS RANCH UNIT-N
7203 SADDLE STAR	7203 SADDLE STAR FAIR OAKS RANCH, TX 78015-4588	257583	0.66	MCCLINTOCK REED & NANCY M	CB: 4741A LOT: 773 FAIR OAKS RANCH UNIT-N
RALPH FAIR RD	8515 FAIRWAY BEND DR FAIR OAKS RANCH, TX 78015-4932	1140621	5.89	STEMEN & CO LLC	CB 4741 P-33 ABS 257
VINEDALE VEW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283421	0.49	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 904
DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283423	2.94	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 905
29806 CAPSTONE WALK	7676 WOODWAY DR STE 104 HOUSTON, TX 77063-1521	1283403	0.3	MHI PARTNERSHIP LTD	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 30
DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283398	0.31	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 25
DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283399	0.31	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 26
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283404	0.31	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 31
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283401	0.32	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 28
29812 CAPSTONE WALK	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283402	0.32	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 29

ZC 2020-01
Properties within 200 Feet

DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283400	0.35	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 27
MILLSTONE RIDGE	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283396	0.46	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 23
DIETZ HOLLOW	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283397	0.33	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 24
29806 MILLSTONE RIDGE	7676 WOODWAY DR STE 104 HOUSTON, TX 77063-1521	1283395	0.35	MHI PARTNERSHIP LTD	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 22
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283375	0.26	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 2
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283376	0.28	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 3
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283374	0.28	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 1
29814 MILLSTONE RIDGE	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283393	0.35	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 20
MILLSTONE RIDGE	7676 WOODWAY DR STE 104 HOUSTON, TX 77063-1521	1283394	0.35	MHI PARTNERSHIP LTD	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 21
VINEDALE VEW	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283392	0.33	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 19
ARBOR FALLS	7143 VALBURN DR AUSTIN, TX 78731-1812	1283418	0.33	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 901
DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283414	0.36	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 45
29580 RALPH FAIR RD	8515 FAIRWAY BEND DR FAIR OAKS RANCH, TX 78015-4932	1140619	2.86	STEMEN & CO LLC	CB: 4741 P-34 ABS 257 LABEL: TEX0445285/4
29580 RALPH FAIR RD	7143 VALBURN DR AUSTIN, TX 78731-1812	257025	39.72	SF FAIR OAKS DEVELOPMENT LLC	CB 4741 P-3B ABS 257
F.M. 3351	4615 NW 410 SAN ANTONIO, TX 78229			ATT: CLAYTON RIPPS (EMAIL SCANNED NOTIFICATION: RICHARD.DELACRUZ@TXDOT.GOV)	F.M. 3351



**City of Fair Oaks Ranch
ZONING CHANGE APPLICATION**

(Please type or Print)

Property Owner Information:

Name: SF Fair Oaks Development, LLC
 Contact Person: C.A. Elder
 Address: 8200 N. MOPAC, Suite 300
 City: Austin State: TX Zip: 78759
 Telephone No: 512-698-8468
 E-Mail: caelder@mhinc.com

Owner Signature: *[Signature]* Date: 2/10/2020
FOR CAPITAL REALTY ADVISORS, G.P. FOR S.F. FAIR OAKS DEVELOPMENT, LLC
 I am the owner of the herein described property and _____ is
 authorized to file this application on my behalf.

Applicant Information:

Name: SF Fair Oaks Development, LLC
 Contact Person: C.A. Elder
 Address: 8200 N. MOPAC, Suite 300
 City: Austin State: TX Zip: 78759
 Telephone No: 512-698-8468
 E-Mail: caelder@mhinc.com
 Applicant Signature: _____ Date: _____

Planner/Engineer Information:

Name: KFW Engineers & Surveying
 Contact Person: Blaine Lopez, P.E.
 Address: 3421 Paesanos Parkway, Suite 200
 City: San Antonio State: TX Zip: 78231
 Telephone No: 210-979-8444
 E-Mail: blopez@kfwengineers.com

Surveyor Information:

Name: KFW Surveying
 Contact Person: Teresa Seidel, RPLS
 Address: 3421 Paesanos Parkway, Suite 100
 City: San Antonio State: TX Zip: 78231
 Telephone No: 210-979-8444
 E-Mail: tseidel@kfwengineers.com



Subject Property Information

Lot: P-3B
Block: CB 4741, ABS 257
Subdivision:
General location: NE Intersection of Ralph Fair Road & Arbor Falls Road

* If the request is for a portion of a platted lot or the property is not platted, a legal description of the property for which the zoning change is requested **must** be completed as "EXHIBIT A" and attached hereto. The legal description shall include the distance and bearing calls starting and closing from a point of beginning, inclusive of a map/survey exhibit.

Existing Zoning: Neighborhood residential
Acreage: 43.56-acres
Future Land Use Map Recommendation: Future residential
Proposed Zoning, Justification, Uses, Acreage, etc. (use attachment if needed): Existing residential one
Current zoning is in direct conflict with recorded development agreement between City of Fair Oaks Ranch and Developer. Proposed zoning will be in compliance with said development agreement.

City Office Use Only

Date Received:
Application Fee Due:
Application Fee Attached: Yes: ☐ No: ☐
Application Administratively Complete: Yes: ☐ No: ☐*

*Explanation:



**FIELD NOTES
FOR
A 22.60 ACRE TRACT
(PHASE 2 - REZONING)**

A **22.60 acre** tract of land, out of the Maria De La Luz Guerra Survey No. 172, Abstract 257, Bexar County, Texas and being a portion of a called 145.4 acre tract of land conveyed to SF Fair Oaks Development, LLC., of record in Volume 17835, Page 1589 of the Official Public Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMENCING at a found $\frac{1}{2}$ " iron rod in a curve in the east line of F.M. 3351, a 100.00 wide right-of-way, also known as Ralph Fair Road, for the northwest corner of a called 8.750 acre tract of land conveyed to Stemen & Co., LLC., of record in Volume 14036, Page 405 of the Official Public Records of Bexar County, Texas, the southwest corner of the 145.4 acre tract, from which a found 1" iron square for a point of tangency of the 145.4 acre tract bears, with a non-tangent curve to the left having a radius of 5779.58 feet, a delta angle of $03^{\circ} 27' 01''$, an arc length of 348.04 feet and a chord bears $N 01^{\circ} 13' 29'' E$, a distance of 347.99 feet;

THENCE: $S 85^{\circ} 26' 51'' E$, leaving the east line of Ralph Fair Road, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of 10.00 feet to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the left, the southwest corner and **POINT OF BEGINNING** of the tract described herein;

THENCE: leaving the north line of the 8.750 acre tract, into and across the 145.4 acre tract, the following twenty-four courses:

1. With the curve to the left having an arc length of **348.92 feet**, a radius of **5789.58 feet**, a delta angle of **$03^{\circ} 27' 11''$** and a chord bears **$N 01^{\circ} 13' 34'' E$** , a distance of **348.87 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
2. **$N 00^{\circ} 30' 01'' W$** , a distance of **277.90 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for the most westerly northwest corner of the tract described herein,
3. **$S 89^{\circ} 44' 55'' E$** , a distance of **60.60 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
4. **$N 69^{\circ} 10' 03'' E$** , a distance of **22.93 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
5. **$S 89^{\circ} 44' 55'' E$** , a distance of **68.11 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the right of the tract described herein,
6. With the curve to the right having an arc length of **23.37 feet**, a radius of **15.00 feet**, a delta angle of **$89^{\circ} 14' 54''$** and a chord bears **$S 45^{\circ} 07' 28'' E$** , a distance of **21.07 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
7. **$S 00^{\circ} 30' 01'' E$** , a distance of **10.25 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
8. **$N 89^{\circ} 29' 59'' E$** , a distance of **50.00 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
9. **$N 00^{\circ} 30' 01'' W$** , a distance of **10.55 feet** to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the right of the tract described herein,

10. With the curve to the right having an arc length of **22.15 feet**, a radius of **15.00 feet**, a delta angle of **84° 36' 09"** and a chord bears **N 41° 48' 03" E**, a distance of **20.19 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
11. **N 84° 06' 08" E**, a distance of **116.58 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
12. **S 89° 44' 55" E**, a distance of **10.80 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
13. **N 00° 15' 05" E**, a distance of **50.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
14. **N 00° 33' 28" W**, a distance of **211.22 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
15. **S 67° 59' 27" E**, a distance of **191.25 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
16. **S 86° 10' 59" E**, a distance of **233.28 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
17. **S 29° 11' 51" W**, a distance of **175.27 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner and point of curvature to the right of the tract described herein,
18. With the curve to the right having an arc length of **82.78 feet**, a radius of **255.00 feet**, a delta angle of **18° 35' 59"** and a chord bears **S 53° 33' 31" E**, a distance of **82.42 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
19. **S 44° 15' 31" E**, a distance of **246.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
20. **N 21° 18' 53" E**, a distance of **183.20 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
21. **N 05° 59' 53" W**, a distance of **253.50 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
22. **N 35° 51' 42" E**, a distance of **219.73 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
23. **N 89° 46' 29" E**, a distance of **429.66 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
24. **S 05° 20' 39" E**, a distance of **428.06 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" in a north line of a called 159.74 acre tract of land conveyed to the Corley Family LLC., described by Exhibit A, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, for the most easterly southeast corner of the tract described herein;

THENCE: Along and with the common line between the 159.74 acre tract and the 145.4 acre tract, the following three (3) courses

1. **S 67° 21' 29" W**, a distance of **25.31 feet** to a found ½" iron rod with a red plastic cap stamped "CUDE" for an angle point of the tract described herein,
2. **S 51° 01' 46" W**, a distance of **557.40 feet** to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein, and

3. **S 02° 59' 24" W**, a distance of **345.30 feet** to a red plastic cap stamped "MATKIN HOOVER" for the northeast corner of the 8.750 acre tract, the most southerly southeast corner of the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" for the southeast corner of the 8.750 acre tract, a called 154.12 acre tract conveyed to David A. Owens, described by Exhibit B, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, and an interior corner of the 159.74 acre tract bears S 02° 59' 24" W, a distance of 331.85 feet;

THENCE: N 85° 26' 51" W, leaving the west line of the 159.74 acre tract, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of **1088.71 feet**;

THENCE: leaving the north line of the 8.750 acre tract, into and across the 145.4 acre tract, the following sixteen (16) courses:

1. With the curve to the left having an arc length of **348.92 feet**, a radius of **5789.58 feet**, a delta angle of **03° 27' 11"** and a chord bears **N 01° 13' 34" E**, a distance of **348.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
2. **N 20° 24' 42" W**, a distance of **60.44 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
3. **N 15° 34' 48" W**, a distance of **108.19 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
4. **N 12° 10' 17" W**, a distance of **66.91 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
5. **N 03° 50' 56" W**, a distance of **229.66 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
6. With the curve to the left having an arc length of **16.64 feet**, a radius of **135.00 feet**, a delta angle of **07° 03' 52"** and a chord bears **N 47° 47' 27" W**, a distance of **16.63 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
7. **N 44° 15' 31" W**, a distance of **271.53 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the left of the tract described herein,
8. With the curve to the left having an arc length of **31.08 feet**, a radius of **205.00 feet**, a delta angle of **08° 41' 16"** and a chord bears **N 48° 36' 09" W**, a distance of **31.05 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
9. **S 00° 30' 01" E**, a distance of **346.81 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
10. **S 30° 14' 31" E**, a distance of **138.33 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
11. **S 00° 14' 31" E**, a distance of **111.84 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
12. **S 43° 40' 39" W**, a distance of **89.18 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
13. **N 85° 26' 51" W**, a distance of **68.09 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
14. **S 67° 20' 43" W**, a distance of **10.94 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
15. **N 85° 26' 51" E**, a distance of **610.13 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,

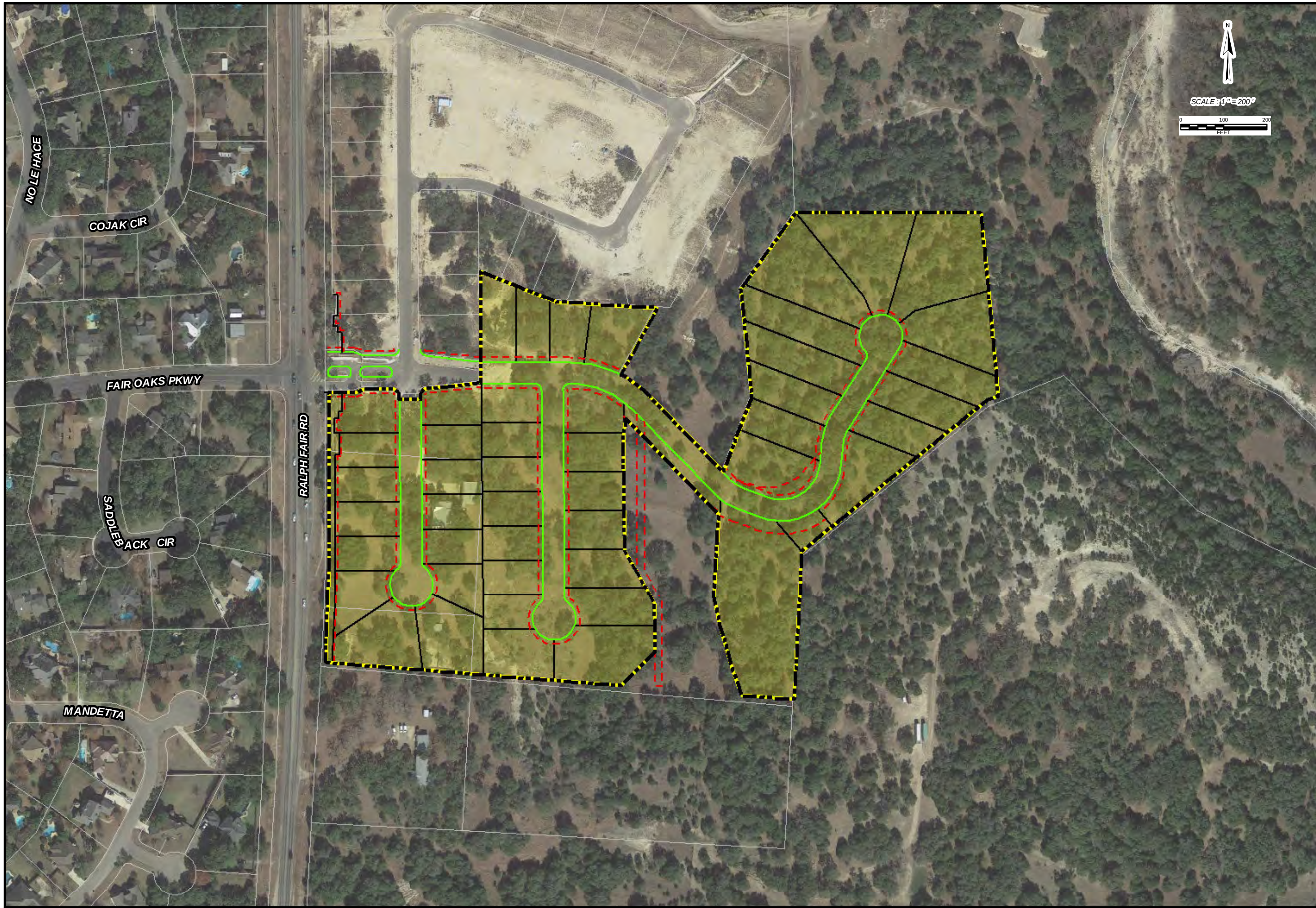
16. **S 03° 09' 22" W**, a distance of **13.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point on the north line of the 8.750 acre tract, an angle point of the tract described herein,

THENCE: N 85° 26' 51" W, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of **15.01 feet** to the **POINT OF BEGINNING** and containing **22.60 acres** situated in Bexar County, Texas. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99982917988.

Job No.: 15-133
Prepared by: KFW Surveying
Date: November 30, 2017
File: S:\Draw 2015\15-133 FM 3351 145 Acres\DOCS\Zoning FN\FN – 22.60 Arbors at Fair Oaks Ph 2
Rezoning

NOTE: THIS LEGAL DESCRIPTION IS INTENDED FOR REZONING PURPOSES ONLY AND DOES NOT REPRESENT A LEGAL BOUNDARY SURVEY.

Date: Apr 07, 2020, 11:59:52 AM User ID: KLaia
File: N:\49010103\design\shells\GISE\200407-Exst_Conditions_11x17.mxd



KFW ENGINEERS + SURVEYING FIRM # 953 FIRM # 1022300 3021 PAESANOS PKWY, SUITE 200 PHONE (210) 978-8444 SAN ANTONIO, TEXAS 78251 FAX (210) 978-8441	
ISSUE DATE	
REVISIONS	
ARBORS AT FAIR OAKS RANCH UNIT 2 PROPOSED SITE PLAN	
JOB NO. 490-01-03 DATE: April 2020 DRAWN: KL CHECKED: BL	
SHEET NUMBER: 1 Pg. 87	

Property Owner Notice



210-698-0900 (office)

CITY OF FAIR OAKS RANCH
7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015

www.fairoaksranchtx.org

210-698-3565 (fax)

(RETURN THIS FORM TO)

City of Fair Oaks Ranch
Engineering Department
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas 78015

RE: **(Zone Change No. 2020-01)**

This form may be used for the purpose of expressing your opinion on the proposed zone change request. Please complete the form below and return it to the City of Fair Oaks Ranch Engineering Department prior to the Joint Public Hearing date referenced below and in your property owner notification.

Due to a public health emergency related to the COVID-19 virus, it necessitates that the public hearing take place via phone or internet pursuant to Government Code Chapter 551.125 and 551.127, as modified by executive order of the governor. The meeting will be held on Thursday, May 14, 2020 at 6:30 PM. Access information to the meeting will be provided on the meeting agenda which will be made available on the city hall bulletin board and city website www.fairoaksranchtx.org 72 hours prior to the meeting.

_____ I am **FOR** the zone change request as explained on the attached public notice for Zone Change No. 2020-01.

✓ I am **AGAINST** the zone change request as explained on the attached public notice for Zone Change No. 2020-01.

(PLEASE PRINT)

All comments forms **MUST** be returned prior to the City prior to May 7, 2020.

Name:

Marianne Martinez

Address:

29708 Saddleback Cir

Signature:

Marianne Martinez

Date:

5/8/20

Comments:

Until there is a definite plan for expansion or change in Ralph Fair rd I'm against just adding more cars on the road



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 4, 2020

AGENDA TOPIC: Affirmation of an Emergency Ordinance amending the Fiscal Year 2019-2020 budget reallocating monies for the purchase of an emergency generator for the City Police Station and Emergency Operation Center

DATE: June 4, 2020

DEPARTMENT: Finance

PRESENTED BY: Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

The purpose of this agenda item is to bring forward for consideration and possible adoption of an emergency budget amendment for Fiscal Year 19-20. To be discussed in detail in the next agenda item, this emergency budget amendment is being proposed to fund a generator for the Emergency Operations Center (EOC) located in the Public Safety Building.

The emergency reading of this Ordinance was approved by Council at the May 21, 2020 Council Meeting. Per section F 4 of the City Charter, such Ordinance must be affirmed by a majority vote of the City Council at the next meeting of the City Council.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The Fair Oaks Ranch EOC has been in either standby mode or active for the past several weeks during the COVID-19 disaster declaration. Additionally, the past week, it was utilized temporarily during a tornado watch and inclement weather. As the EOC has a primary purpose of being up and operational during times of disaster, and specifically power loss, a generator is a necessary and critical component of the EOC that needs to be funded immediately.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

\$110,000 was budgeted in FY 2019-20 for the engineering, purchase, and installation of the generator. To date, \$15,860 of that budget has been spent on engineering design, and a bid of \$110,722 + 10% contingency (\$11,072) is being considered. The total projected cost for this project is \$137,654, which is a budget overrun of \$27,654.

Finance is proposing to fund the overrun from the reserves of the equipment replacement fund.

The Equipment Replacement Fund (ERF) was established to program for regular replacements of equipment and capital items, and to also serve as a bank to fund future equipment needs. Now that the ERF is fully funded, the reserves can be utilized for this purpose, and the budget impact will be spread out over the period of the generator's useful life.

Exhibit A shows the specific account transfers necessary to fund the approximate \$28,000 budget overage from the reserves of the ERF.

LEGAL ANALYSIS:

Not applicable.

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to affirm the Budget Amendment Ordinance.

EXHIBIT A

PROPOSED BUDGET AMENDMENTS CITY OF FAIR OAKS RANCH FISCAL YEAR 10/1/2019-9/30/2020

Proposed Increases to Budgeted Expenditures

<u>Dep't</u>	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>
Maintenance	01-640-803	Equipment Purchases	Emergency Generator	\$ 28,000
Total Proposed Expenditure Increases				\$ 28,000

Transfers Required Between Funds

	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>
Equip. Repl. Fund	31-500-123	Transfer to General Fund	Emergency Generator	\$ 28,000
Equip. Repl. Fund	31-500-990	Transfer From Fund Balance	Emergency Generator	\$ (28,000)
General Fund	01-400-984	Transfer from Equip. Repl Fund	Emergency Generator	\$ 28,000
Total Net Transfers between Funds				\$ 28,000

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH AMENDING THE BUDGET OF THE CITY OF FAIR OAKS RANCH, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY; FIRST AND FINAL READING

WHEREAS, the budget for the City of Fair Oaks Ranch, Texas for FY 2019- 2020 has heretofore been approved as provided by law and filed with the City Secretary under Ordinance 2019- 13

WHEREAS, per above said Ordinance 2019-13, the City Manager may move amounts within the same fund but budget amendments between funds must be approved by City Council by ordinance; and,

WHEREAS, pursuant to Texas LGC §102.010, budget amendments shall be passed and approved by City Council; and,

WHEREAS, staff recommends making the attached budget amendments as shown in Exhibit A; and,

WHEREAS, the City Council finds the budget amendments as detailed in the attachment are warranted.

WHEREAS, Garry Manitzas, the Mayor of the City of Fair Oaks Ranch previously determined and declared that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19;

WHEREAS, a declaration of local disaster and public health emergency includes the understanding that it is critical for the City's Emergency Operations Center (EOC) to remain open and functional for all City services, particularly during an emergency when power loss occurs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. That the City Secretary is hereby directed to file this ordinance as an Amendment to the original budget.

Section 3. That the Finance Director is hereby directed to amend the original budget with the amendments listed in the attachment Exhibit A.

Section 4. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance shall be in force and effect from its first and final passage, and any publication required by law.

PASSED, ADOPTED, and APPROVED the 21st day of May, 2020 on one reading as an emergency measure pursuant to City Charter Section 3.006 F. 4.

AFFIRMED if necessary on the 4th day of June, 2020.

	FOR	AGAINST	ABSTAIN
Mayor Garry Manitzas			
Mayor Pro Tem Elizondo			
Council Member Havard			
Council Member Hartpence			
Council Member Koerner			
Council Member Patel			
Council Member Maxton			

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C., City Attorney



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 4, 2020

AGENDA TOPIC: Consideration and possible action modifying and extending a declaration of local disaster; establishing rules and regulations for the duration of the disaster; and restricting certain activities.

DATE: June 4, 2020

DEPARTMENT: City Council

PRESENTED BY: Mayor Manitzas

INTRODUCTION/BACKGROUND:

On March 13, 2020, following President Trump's declaration of a national emergency, Texas Governor Abbott declared Texas a public health disaster. On March 16, 2020, Mayor Manitzas signed a Declaration of a Public Health Emergency declaring a local state of disaster and public health emergency in the city for seven days, effective March 17, 2020. At the March 19, 2020 Council meeting, the City Council approved an Ordinance extending the Declaration of Local Disaster to April 16, 2020. On April 16th, City Council again took action to extend the Declaration to May 7, 2020. On May 7, 2020, City Council took action to extend the Declaration to May 21, 2020. On May 21, 2020, City Council took action to extend the Declaration to June 4, 2020.

In the following several weeks both Governor Abbott and Bexar County Judge Wolff issued multiple follow up Executive Orders. On April 27th Governor Abbott again issued several orders with Executive Order GA 18 being the one most directly affecting our city. In that Executive Order, and in subsequent press conferences, the Governor made it clear that his intent was for his order to supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Judge Wolff also issued an updated Executive Order NW-07 in response to Governor Abbot's update. Judge Wolff subsequently issued Executive Order NW-08 on May 19, 2020 to conform with Governor Abbott's Executive Order GA-23.

At this point we are presenting the Ordinance to the City Council again to discuss extension of the emergency declaration. The City Attorney has reviewed our existing Ordinance and recommended that we extend the emergency declaration and not attach any local orders. The attached ordinance accomplishes that but merely references the Governor's orders rather than attaching anything. It also does not include a penalty provision because the Governor has made it clear he does not wish to do that type of enforcement. Extending the ordinance preserves our reimbursement ability which is desirable.

For further guidance, residents and business owners will be directed to the Governor's report to Reopen Texas at <https://gov.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf>. This document is also available on our city's website under the Coronavirus banner.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Public health, safety, and general welfare of our residents and city employees.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

TBD

LEGAL ANALYSIS:

Article III; Section F.4 – Legislation by Ordinance states if City Council, by a vote of not less than two-thirds of the members present at a posted called City Council meeting at which an ordinance is first introduced, determines an emergency exists related to public health or safety and requiring immediate action, such may then be voted upon and rejected or adopted at that meeting.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the Ordinance extending the Declaration of Local Disaster to June 21, 2020.

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH AMENDING ORDINANCE 2020-10; EXTENDING A DECLARATION OF LOCAL DISASTER; AMENDING THE RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY; FIRST AND FINAL READING

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on January 20, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, thru May 29th, there have been 59,776 confirmed positive cases in Texas; and

WHEREAS, thru May 29th, the pandemic had infected nearly 5,850,258 people around the world and killed 361,249. 1,724,873 cases have been confirmed in the United States.

WHEREAS, on March 13, 2020, President Trump declared a state of emergency due to COVID-19; and

WHEREAS, President Trump has invoked the Stafford Act, which will allow state and local governments to access federal disaster relief funds; and

WHEREAS, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for counties in the state of Texas; and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID- 19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, on March 31, 2020 Governor Abbott issued GA-14 superseding local authority invoked under Chapter 418 of the Government Code, and Chapter 81 and 122 of the Health and Safety Code where local order conflict with GA-14 or any previous order of the Governor related to the pandemic;

WHEREAS, also on April 17, 2020, Governor Abbott issued Executive Order GA-16 to replace Executive Order GA- 14, and while Executive Order GA- 16 generally continued through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, it offered a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders and the continued gradual reopening of Texas pursuant to GA-18- GA-20; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Fair Oaks Ranch, and may exercise the powers granted by the governor on an appropriate local scale; and

WHEREAS, Garry Manitzas, the Mayor of the City of Fair Oaks Ranch previously determined and declared that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19;

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and,

WHEREAS, the Fair Oaks Ranch City Council, on March 19, 2020 approved Ordinance 2020-05 extending the Mayor's declaration of local disaster until April 16, 2020, and affirmed and amended said ordinance by the adoption of Ordinance 2020-06 on March 24, 2020, affirmed and amended said ordinance by the adoption of Ordinance 2020-08 on April 16, 2020 and then by Ordinance 2020-09 on May 7, 2020, and affirmed and amended said ordinance by the adoption of Ordinance 2020-10 on May 21, 2020 and hereby affirms and further amends all prior actions through the adoption of this Ordinance 2020-14.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 2. That the local state of disaster and public health emergency declared by Mayor Garry Manitzas for the City of Fair Oaks Ranch, Texas, pursuant to §418.108(a) of the Texas Government Code and renewed and extended to 11:59 p.m. June 4, 2020 by City Council Ordinance 2020-10 pursuant to §418.108(b) of the Government Code, is hereby further amended superseded and extended by this Ordinance 2020-14 until 11:59 on June 18, 2020.
- Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Fair Oaks Ranch, Texas, emergency management plan.
- Section 5. Pursuant to §122.006 of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.

- Section 7. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein except those portions deemed to conflict with GA-18, or any subsequent emergency orders of Governor Abbott.
- Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.
- Section 11. Should Governor Abbott lift the statewide disaster orders now in place prior to the date of expiration stated herein, this ordinance shall no longer be subject to enforcement by the City and shall be repealed by the City Council at the first legally posted meeting thereafter.
- Section 12. That all law enforcement personnel of the City are authorized the enforce any emergency orders of the Governor or Health Authority of the State of Texas to the extent and in the manner authorized by same.
- Section 13. This Ordinance shall be in force and effect from its first and final passage, and any publication required by law.

PASSED, ADOPTED, and APPROVED the 4th day of June, 2020 on one reading as an emergency measure pursuant to City Charter Section 3.006 F. 4.

AFFIRMED if necessary on the 18th day of June, 2020.

	FOR	AGAINST	ABSTAIN
Mayor Garry Manitzas			
Mayor Pro Tem Elizondo			
Council Member Havard			
Council Member Hartpence			
Council Member Koerner			
Council Member Patel			
Council Member Maxton			

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 4, 2020

AGENDA TOPIC: Discussion regarding the process to appoint/reappoint members to Boards and Commissions

DATE: June 4, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio

INTRODUCTION/BACKGROUND:

At the February 20, 2020 City Council meeting, Council discussed at the request of Council Member Koerner, the city's process of appointing/reappointing members to Boards and Commissions. Staff was directed to set a consistent formal process in place that provides for:

- Incumbent declaration of interest to continue serving
- Staggered terms
- Possible standard term limits
- Creation of website page to notify citizenry of open positions
- Common application form
- Standardized term start coinciding with fiscal year
- Standardized appointment process

This consideration item seeks to review the current plan and to further define council's desires.

1. Staff has prepared the common application form (Attachment 1) and language to be used on the city website to inform residents of volunteer opportunities (Attachment 2). This information will be posted once Council confirms approval with a statement that we will post open positions once known.
2. With Council's permission, staff intends to contact all boards and commission members to notify them of changes. Members without term limits or those who have exceeded term limits will be provided with the common application form in which they can indicate if they wish to declare their interest to stay in their position, apply for a different board or resign (a desire to stay does not equilibrate into being allowed to stay – that will be Council's prerogative).
3. Once responses are received staff will post potential *open positions* on the city website for each available board/commission spot.
4. Applications will be accepted year round and filed with the City Secretary for two years, and unless there is an unexpected vacancy, applications will be reviewed in the early/mid-August timeframe. Council will determine, based on applications received, which positions are available and if interviews will be required.

5. Interviews, if necessary, and appointments will be performed in September.
6. Terms will begin each October 1st.

Suggested timeline:

- Deadline for Incumbent Statement of Interest (via Common Application Form): July 24th
- Council discussion of open positions: Aug 6th Council Meeting
- Posting of open positions on city website: August 7th
- Cutoff for website applications: Aug 24th
- Council provided with applications: Sept 3rd Council Meeting – give direction regarding interviews
- Interviews (if necessary): Sept 7th - Sept 11th
- Appointments/Oath of Office: Sept 17th Council Meeting
- Start on board: October 1st

At today's Council meeting the City Secretary desires to receive clarity on the following items:

- Term Limits/Staggered Terms
 - o At this point in time the P&Z has a 3 year staggered term policy.
 - o The ZBOA Rules of Procedure are currently proposed as 2 year staggered terms. Local Government Code 211.008 stipulates that members be appointed for terms of two years (so unlikely to be able to modify).
 - o The MDD Rules and Procedure as defined by Ordinance by City Council calls for 2 year staggered terms. This term limit could be modified should Council desire.
 - o Staff asks for guidance regarding the Board of Appeals (BOA) and Capital Improvements Advisory Committee (CIAC) as there are no state statutes dictating terms. The Rules of Procedure for each are established by Council and are as follows:
 - BOA: Shall serve at the will of the City Council or until a successor has been appointed.
 - CIAC: Member shall serve until the appointment is rescinded or member resigns.
- Discussion of manner in which to transition with current members.
 1. Currently there are members on the boards/commissions that have exceeded their term.
 - o BOA Members – 3 members since 2016
 - o CIAC – 9 members, some on committee since 2003, 2006, 2015, 2016, 2017 & 2018. Should Council Member be replaced as well?
 - o MDD – 6 of 7 members have exceeded their term. Should Council Members be replaced as well?
 - o P&Z – 3 of 7 members terms will expire this year.

- o ZBOA – 5 regular members and 2 alternates – all appointed in 2019.
- 2. We will provide each of these members with the application form in which they can identify interest in continuing to serve. For those members who express interest in staying on, will we:
 - o Consider everyone as starting from point zero?
 - o Provide preferential consideration to previous members and reappoint?
 - o How do we stagger the appointed positions (random selection by picking a card)?
- Current MDD vacancy:
 - o How to fill? Do we fill immediately with process currently in place or offer application process as “test”, or wait until all positions are filled for the next fiscal year?

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

It will allow more citizens who have an interest in community service to become involved providing fresh perspectives to established committees.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

No formal action is required but staff would appreciate receiving insight and general direction from Council. With Council approval, once given direction by general consensus, staff will initiate process.



CITY OF FAIR OAKS RANCH
7286 DIETZ ELKHORN | FAIR OAKS RANCH, TX 78015 | 210-698-0900
APPLICATION TO SERVE ON A BOARD, COMMISSION, OR COMMITTEE

This document becomes a public record upon filing and is subject to the Texas Public Information Act.

Applicant Name: Email:

Home Address:

Contact Phone #: Business Phone #: Extension:

Fair Oaks Ranch Resident? Property Owner? Qualified Fair Oaks Ranch Voter:

Years of Residency: Do you have relatives employed by the City of Fair Oaks Ranch?

Occupation:

Education:

Current Board/Commission/Committee Members: On which board do you currently serve? (select from boxes below)

Are you willing to continue serving?

- ☐ Building Codes Board of Appeals ☐ Capital Improvements Advisory Committee ☐ Municipal Development District Board
- ☐ Fair Oaks Ranch : Fair Oaks Ranch #111111 ☐ Zoning Board of Adjustment

Are you interested in serving on a different board? (select from boxes in the following section)

- Those wishing to serve in the same role need not fill out the remaining sections; simply sign pg. 2 & submit.
- Those wishing to apply to another board, commission, or committee please complete the entire application, sign pg. 2 and submit.

Applicants not Currently Serving: Please check all boards, commissions, or committees you are interested in joining.

- ☐ Building Codes Board of Appeals ☐ Capital Improvements Advisory Committee ☐ Municipal Development District Board
- ☐ Fair Oaks Ranch : Fair Oaks Ranch #111111 ☐ Zoning Board of Adjustment

Special Knowledge or Experience applicable to the functions of board, committee or commission:

- ☐ Architect ☐ Environmental Science ☐ Real Estate Development
- ☐ Banking/Finance ☐ Land Developer/Urban Planner ☐ Water/Wastewater
- ☐ Contractor ☐ Law/Contract Administration ☐ Other
- ☐ Educator ☐ Merchant/Businessperson
- ☐ Engineering (type?) ☐ Project Management

Have you attended a meeting of one or more of the boards, committees or commissions for which you are applying?

Why are you interested in serving on a city board or commission?

What contribution would you like most to make?

Do you feel you can make objective decisions and recommendations that are in the best interest of the City but may conflict with your personal opinions or interests?

Are you willing to take an oath of office to faithfully execute the duties of the office for which you may be appointed and will to the best of your ability preserve, protect, and defend the Constitution and laws of the United States and of the State?

What other civic involvement do you currently have or have had in the City of Fair Oaks Ranch? Other cities?

Please briefly explain your opinions about the overall quality of life and issues you see are important to the City of Fair Oaks Ranch and its future.

What, if any, time constraints do you have? (job, travel, other commitments, etc.)

Is there anything else you would like to add about your experience or desire to serve?

Applicant Signature:

Date:

Certification

I am not employed by the City of Fair Oaks Ranch. If appointed, I will notify the City of any changes in my residence or business, or of any other relevant changes that would affect my appointment. I will also notify the City if any potential conflicts of interest arise. I recognize that my appointment requires my regular attendance and participation at all scheduled meetings. Failure to do so may result in my removal. In filing this application, I understand that it becomes a part of the public records of the City of Fair Oaks Ranch*. I further understand and acknowledge that by signing this Application. I certify that all information on this Application is complete, truthful and accurate to the best of my knowledge.

Applicant Signature:

Date:

*The Public Information Act (GC 552.024) allows employees, public officials, and former employees and officials of a governmental body to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information may be subject to public release if requested under the Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information:

Public Access?

Home Address

No ☐

Yes ☐

Home/ Cellular Telephone Number

No ☐

Yes ☐

Email Address

No ☐

Yes ☐

Drop off, mail, fax or email completed application no later than 3:30 PM on August 24, 2020 to be considered for the 2021 boards & commission application process. (A photocopy of this application shall be as valid as the original)

City of Fair Oaks Ranch
City Secretary, Christina Picioccio
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015
210-698-0900 (Office) Ext. 214
210-698-3565 (Fax)
christinap@fairoaksranchtx.org

Thank you for your interest in serving the City of Fair Oaks Ranch

BOARDS COMMISSIONS WEBSITE INFORMATION

	Board of Appeals	CIAC	MDD	P&Z	ZBOA
Role/Mission	The role of the board is to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the International Building Code, International Residential Code for One and Two Family Dwellings, International Energy Conservation Code, International Plumbing Code and National Electric Code.	The Capital Improvements Advisory Committee (CIAC) is responsible for assisting the City in development of Land Use Assumptions, Capital Improvement Plans, and reviewing of impact fees.	The MDD mission is to approve funding for economic development, retention and improvement of the District, and for improvement of short and long term property values. Priorities for expenditure of resources are aligned to the City's Comprehensive Plan and the MDD's adopted Mission, Goals & Objectives. All meetings are announced and open.	The Planning and Zoning Commission (P&Z) acts as an advisory group to the City Council in required and discretionary land use matters associated with the following: Comprehensive planning, Zoning; Subdivision Platting; and other growth management initiatives related to the physical development of the city.	The Zoning Board of Adjustment shall hear and decide appeals when error is alleged in any order, requirement, decision or determination made by an administrative official of the City in the enforcement of any zoning related decisions. The Zoning Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order.
Membership/Qualifications	Consists of three persons appointed by City Council and one alternate member. Those who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.	Shall be composed of no fewer than five (5) members, no fewer than 40% of the members must be representatives of the real estate development, or building industries and the membership must include a representative from the extraterritorial jurisdiction.	The Board shall consist of seven (7) Directors, each of whom shall be appointed by the City Council of the City. Each of the Directors shall be a resident of the City of Fair Oaks Ranch or a resident of the City of Fair Oaks Ranch's Extraterritorial Jurisdiction Two (2) members shall be persons who are members of the Fair Oaks Ranch City Council and one (1) member shall be a person who is a member of the Fair Oaks Ranch Homeowner's Board of Directors.	The commission shall consist of seven (7) regular members appointed by the City Council. Resident citizens, real property owners & qualified voters of the city.	The Board shall consist of five (5) members and two (2) alternates who shall be appointed by majority vote of the City Council. Members must be at least 18 years of age, a resident citizen, a qualified voter of the city, not be employed by the city nor receive salary or compensation for services to the board.
Term	Shall serve at the will of the City Council or until a successor has been appointed.	Member shall serve until the appointment is rescinded or member resigns.	Each member of the Board shall be appointed and serve two (2) years staggered or until a successor is appointed.	Commission members serve three (3) year staggered terms with no term limits.	Staggered 2 year terms (as proposed). No limit on number of terms
Meetings	The Board shall meet upon notice from the chairperson, within 10 days from the filing of an appeal or at stated periodic meetings.	The CIAC shall meet a day in March and September each year or at the call of the Chairman, unless postponed or canceled for valid reason(s). Special meeting may be held on any business day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the committee chairman.	The Board meets four (4) times a year, generally the third (3) Wednesday of the month, at 4:00 PM in the City Hall Council Chambers. Changes to the schedule date and location may occur. The President, or upon the President's incapacity, the Vice-President, may call special meetings of the Board of Directors at such time as may be required.	The P&Z Commission meets the second Thursday of every month at 6:30 PM in the City Hall Council Chambers. Special meetings may be called as needed.	Shall be held at the call of the presiding officer and at other times as determined by the board.
Members	Darrel White	John Merritt	Al McDavid (President)	Bobbe Barnes	Richard Morris
Members	Jenks Boston	Harold Manning	Brad Dutton (Vice President)	David Horwath	John T. Wall
Members	Walter Wong	John Weir	Laura Koerner (Secretary)	Douglas Leonard	Warren R. Needels
Members		Fran Kriskell	Roy Elizondo (Treasurer)	Dale Pearson	Laurence R. Nichols
Members		Paul Lampe	Carolyn Knopf	Michael Rey	Shane Stolarczyk
Members		Dana Green	Faira Stevic	Linda Tom	Christopher Weigand (Alternate)
Members		Monte McCormick		Frank Trapasso	Craig A. Matson (Alternate)
Members		Paul Mebane			
Members		Council Member Patel (Liaison)			



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 4, 2020

AGENDA TOPIC: Discuss and consider ratifying the City Manager's promotion and appointment of Lieutenant Tim Moring to the position of Police Chief for the City of Fair Oaks Ranch.

DATE: June 4, 2020

DEPARTMENT: Administration

PRESENTED BY: Tobin E. Maples, AICP, City Manager

INTRODUCTION/BACKGROUND:

The purpose of this agenda item is to respectfully request that City Council ratify the City Manager's promotion and appointment of Lieutenant Tim Moring to the position of Police Chief for the City of Fair Oaks Ranch. As the Chief of Police, Mr. Moring will report directly to the City Manager and is responsible for overseeing and managing all functions of the Police Department, inclusive of promulgating policies, procedures, rules, directives and orders for the lawful administration of the department.

As authorized by Section 5.01 C 17 of the City's Home Rule Charter, it is the City Manager's responsibility and honor to appoint an individual to serve as the Chief of Police. Knowing however, that all functions of the police department need to reflect the values of the community and maintain the integrity of the lawful administration of police powers, it was essential for the City Council to proactively participate in the process.

In this vein, I would like to express my deep appreciation to the City Council for your leadership and insight as staff framed and traversed the process. The City Council's participation was invaluable and will prove to be an asset, as there is a tremendous amount of ownership at both the governing body and staff level.

Since being named Interim Chief in October 2019, Mr. Moring has provided exemplary service to the City. Inclusive of the direction and leadership he has provided during our unprecedented response to Covid-19, his performance could not have been a more positive reflection for the City and the Fair Oaks Ranch Police Department. During his fourteen (14) year tenure as a member of the Fair Oaks Ranch Police Department, Mr. Moring has served as a police officer, Corporal, Sergeant, Lieutenant, and Interim Chief.

Speaking on behalf of all city employees, we are very excited about the strength and versatility Chief Moring brings to this challenging opportunity. We hope that the community views his appointment as an indication of our confidence in his ability to lead the Fair Oaks Ranch Police Department.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

N/A

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The position is fully funded in the FY 19-20 budget.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move to ratify the City Manager's promotion and appointment of Lieutenant Tim Moring to the position of Police Chief for the City of Fair Oaks Ranch.



CITY COUNCIL STAFF REPORT ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 4, 2020

AGENDA TOPIC: Financial Update
DATE: June 4, 2020
DEPARTMENT: Finance
PRESENTED BY: Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

Purpose of this presentation is to review the City's financial condition and projections for this year's financial results with considerations made for COVID-19 emergency response expenditures and potential revenue losses.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Discussion/presentation item only. Refer to presentation.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Discussion/presentation item only. Refer to presentation.

LEGAL ANALYSIS:

No formal action is required.

RECOMMENDATION/PROPOSED MOTION:

No formal action is required.

Economic Outlook

Financial Impacts of COVID-19 on the Current Year Budget

City of Fair Oaks Ranch
City Council Meeting June 4, 2020



General Fund

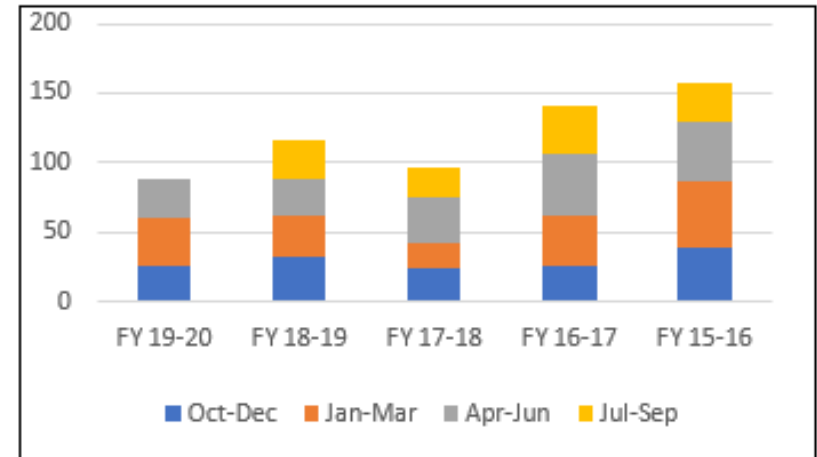


General Fund Highlights

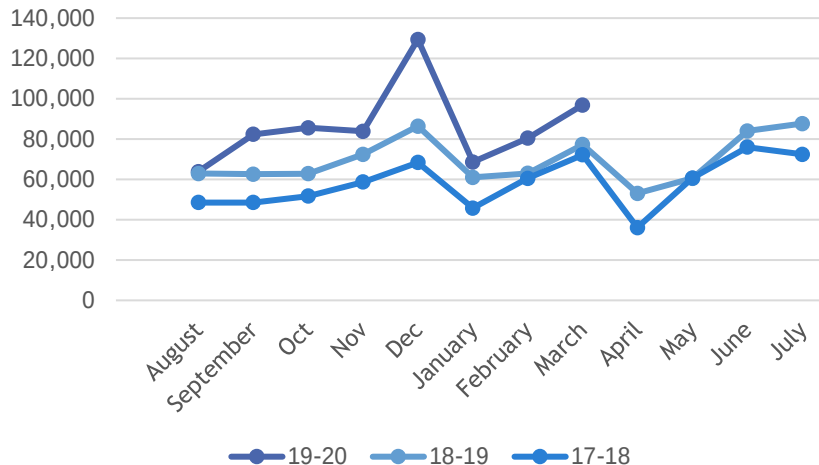
Through May 27

- 97.4% Ad Valorem Tax Collection through April.
- Sales Tax Receipts continue to rise. Receipts for March Sales have been collected.
- Court Revenues down due to no court proceedings being held due to COVID-19.
- Personnel Savings is so far offsetting projected loss of revenue.

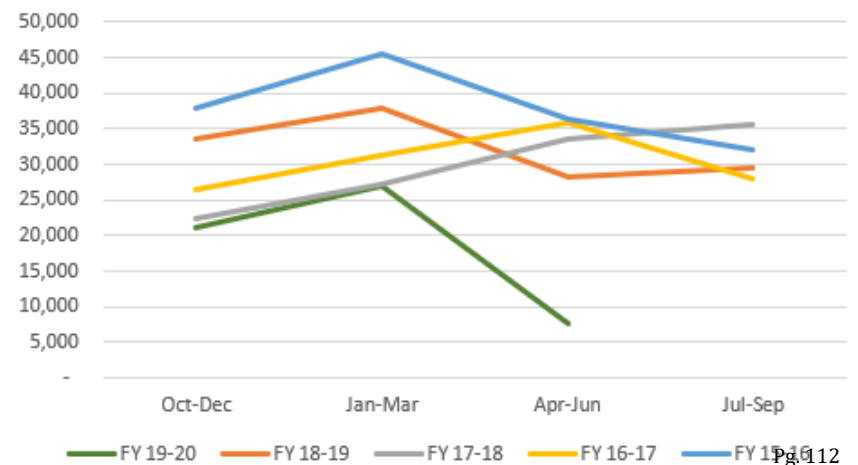
New Residential Projects by Quarter



Sales Tax Receipts by Month of Sale



Court Fees Collected



General Operations Year-to-Date Summary
May 27, 2020
66.67% of Fiscal Year

	Budget	Projection	Budget vs Projection	Year-to Date Actual	Percent of Budget	Budget Surplus / (Deficit)
<u>Revenues:</u>						
Taxes	6,277,653	6,091,581	(186,072)	5,899,109	94.0%	(378,545)
Franchise Fees	529,700	591,950	62,250	290,853	54.9%	(238,847)
Interest	115,000	90,238	(24,762)	65,477	56.9%	(49,523)
Permits	252,500	312,634	60,134	248,525	98.4%	(3,975)
Animal Control	3,400	3,400	-	890	26.2%	(2,510)
Fines & Forfeitures	127,570	73,529	(54,041)	60,907	47.7%	(66,663)
Fees & Services	243,847	276,293	32,447	169,033	69.3%	(74,813)
Miscellaneous Income	15,100	29,875	14,775	25,848	171.2%	10,748
Transfers	264,000	285,278	21,278	-	0.0%	(264,000)
Total Available Resources	7,828,770	7,754,779	(73,991)	6,760,642	86.36%	(1,068,128)
<u>Expenditures:</u>						
Personnel	4,536,909	4,200,211	(336,697)	2,531,653	55.80%	2,005,256
Supplies, Maintenance & Operations	653,858	656,607	2,750	152,078	23.26%	501,780
Professional Services	994,002	957,462	(36,541)	562,435	56.58%	431,568
Shared Services	327,617	315,407	(12,210)	197,498	60.28%	130,119
Capital Outlay	316,500	328,137	11,637	9,943	3.14%	306,558
Debt Service	-	-	-	-	0.00%	-
Transfers & Non-Cash Adjustments	1,430,017	1,430,017	-	1,430,017	100.00%	0
Total Expenditures	8,258,903	7,887,842	(371,061)	4,883,623	59.13%	3,375,280
Transfer to 6 month Reserve	160,597	160,597	-			
Allocated Fund Balance	-	-	-			
Restricted Fund Balance	9,270	12,257	2,987			
Use of Fund Balance	(600,000)	(600,000)	-			
Change in Unallocated Fund Balance	-	294,083	294,083			
Total Change in Fund Balance	(430,133)	(133,063)	297,070	1,877,019		2,307,152

Reasonably Conservative Projection Assumptions

- City Receives 10% of remaining Property Tax Revenue
- City Receives only 80% of remainder of sales tax for remainder of the year (increased from 50%)
- Loss of 5 months of court revenue (previously 3 months)
- Loss of half of remaining interest income



SAP Fund Balance

Project Allocations and Fund Balance

	Fund Balance		Budgeted Spend	Projected Spend	Actual YTD Spend	Fund Balance	
	Actual	Transfer from				Projected	Comments
	2018-19	Gen Fund				9/30/2020	
Financial Integrity							
Stormwater Funding	120,000	-	120,000	170,000	60,271	(50,000)	Contract committed.
Revenue Projections		10,000	10,000	-	-	10,000	Uncommitted, pushed to FY 20-21.
Internal Controls Framework	35,000	20,000	55,000	55,000	52,500	-	Contract committed, project fieldwork complete; temp stop work order delivered.
Debt Review & Policy Implementation		15,000	15,000	-	-	15,000	Uncommitted, project on hold.
Grants & Utilities Reporting		10,000	10,000	-	-	10,000	Uncommitted, project on hold.
Financial Mgmt Policy Review		15,000	15,000	-	-	15,000	Project on hold.
Stormwater Utility Cost Center		50,000	50,000	-	-	50,000	Budget rolled into Stormwater Funding SAP
Responsible Growth Management							
Comprehensive Plan & UDC		50,000	50,000	50,000	28,299	-	Project in Process
FM 3351 Owners Rep & Project Mgr		75,000	75,000	13,170	5,670	61,830	Project in Process
Drainage Project & Funding		50,000	50,000	50,000	5,741	-	Project in Process
MS4 Program		5,000	5,000	5,000	-	-	-
Reliable & Sustainable Infrastructure							
Long-term Road Cond Analysis		80,000	80,000	-	-	80,000	Uncommitted, project on hold
City Hall Building Renovation		600,000	600,000	-	-	600,000	Design contract committed.
City Campus Outbuilding Reno	461,729	-	450,000	461,729	8,500	-	Design contract committed.
Public Health, Safety & Welfare							
PS Command Structure Review		25,000	25,000	-	-	25,000	Uncommitted, deferred to FY 20-21.
Fire Services Program Review		25,000	25,000	-	-	25,000	Uncommitted, deferred to FY 20-21.
EMS Program Review		25,000	25,000	-	-	25,000	Uncommitted, deferred to FY 20-21.
Operational Excellence							
Compensation & Benefit Plan Study		50,000	50,000	50,000	-	-	Contract committed, project in process.
Employee Handbook		5,000	5,000	5,000	-	-	Legal Review in process.
HR Technology Upgrade		32,000	32,000	32,000	-	-	Not committed.
Development Training Program		5,000	5,000	5,000	-	-	Not committed.
Communications & Mktg Strategy		5,000	5,000	5,000	-	-	Not committed.
Records Management		12,000	12,000	12,000	-	-	Not committed.
IT Risk Analysis		50,000	50,000	50,000	-	-	Contract committed, project in process.
Infrastructure (Roads)	111,409	(740)	110,669	110,669	110,669	-	Roadwork from PY maintenance, completed this FY
Personal Property	22,600	-	22,600	22,600	2,716	-	New FTE furniture budgeted in PY.
Unallocated Fund Balance	359,490	(13,735)	-	-	-	345,755	
Total Fund Balance	1,110,228	1,199,525	1,952,269	1,097,168	274,366	1,212,585	

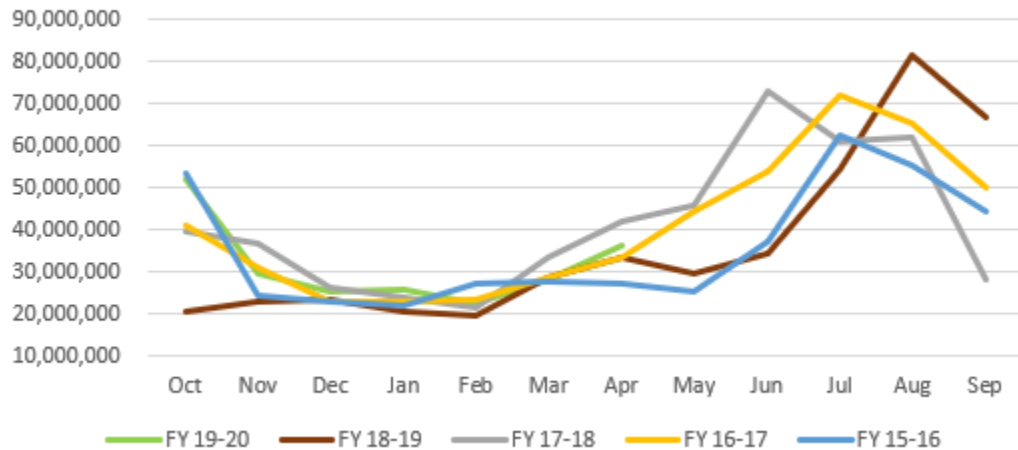
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Enterprise Fund



Enterprise Fund Highlights

Water Billed Consumption (gallons)



Only one account overdue by over 90 days in about \$100.

No active payment plans or bill deferrals.

Cash Flow- Collections average 95% to 103% each month

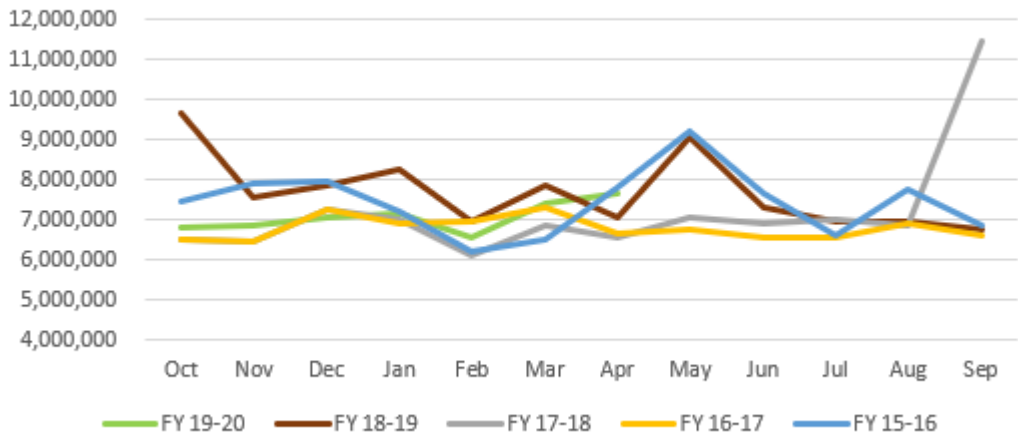
Bad Debt - Historically Write off is 0.01% (less than 10k) annually. YTD potential bad debt is less than \$1000 on water/wastewater bills. Plus one large account of \$59k in impact fees.

Monitoring collections very closely month to month

Consumption is likely to be higher than budget due to increased daytime population within the City.

Legal Fees are driving a larger net loss than budgeted.

Wastewater Treated (gallons)



Combined Water and Wastewater
May 27, 2020
66.67% of Fiscal Year

	Budget	Projection	Projection to Budget	Year-to-Date Actual	Percent of Budget	Budget Balance	
Revenues	5,046,147	5,060,613	14,466	2,849,835	56.5%	2,196,312	
Operating Expenses							
Personnel	1,428,401	1,263,633	(164,768)	787,674	55.1%	640,727	
Supplies, Maintenance & Operations	2,469,299	2,457,378	(11,921)	1,407,970	57.0%	1,061,330	
Services	67,458	412,458	345,000	398,924	591.4%	(331,466)	Water rights legal fees.
Total Operating Expenses	3,965,159	4,133,469	168,311	2,594,568		1,370,590	
Operating Income	1,080,989	927,144	(153,845)	255,267		825,722	
Capital Outlay	1,518,184	1,052,270	(465,914)	194,853	12.8%	1,323,331	
Lease Interest Expense	89,907	89,907	-	46,044	51.2%	43,863	
Transfers & Non-Cash	(422,424)	(58,215)	364,209	442,003	-104.6%	(864,427)	
Net Income/(Loss)	(104,679)	(156,819)	(52,140)	(427,633)		322,954	

Water Utility Fund Summary

May 27, 2020

66.67% of Fiscal Year

	Budget	Projection	Projection to Budget	Year-to-Date Actual	Percent of Budget	Budget Balance	
Water Revenues	3,971,147	3,934,169	(36,977)	2,126,210	53.5%	1,844,937	
Water Operating Expenses							
Personnel	783,911	667,445	(116,466)	418,735	53.4%	365,176	
Supplies, Maintenance & Operations	1,760,076	1,754,320	(5,756)	1,029,416	58.5%	730,661	
Services	66,138	411,138	345,000	398,278	602.2%	(332,140)	Water rights legal fees.
Total Water Operating Expenses	2,610,126	2,832,904	222,778	1,846,429		763,696	
Operating Income	1,361,021	1,101,266	(259,755)	279,781		1,081,240	
Capital Outlay	1,200,117	768,256	(431,861)	115,900	9.7%	1,084,217	See Schedule Below
Lease Interest Expense	75,522	75,522	-	38,677	51.2%	36,845	
Transfers & Non-Cash	(563,758)	213,706	777,464	546,363	-96.9%	(1,110,121)	
Net Income/(Loss)	649,140	43,781	(605,358)	(421,159)		1,070,299	
	Budgeted	Projected	Projection to Budget	Actual	YTD Actual Surplus/Deficit	Status	
Water CIP							
Elevated Storage Tank	628,528	555,000	(73,528)	43,754	584,775	Design contract Committed	
Project Development	50,000	26,667	(23,333)	14,247	35,753	Project in Process	
Plant 2 HydroTank	45,000	45,000	-	-	45,000	No Contract Committed	
Creek Crossing West Waterline	400,000	65,000	(335,000)	10,740	389,260	No Contract Committed	
Impact Fee Analysis	37,500	37,500	-	28,070	9,430	Project in Process	
	1,161,028	729,167	(431,861)	96,811	1,064,217		
Water Operations							
Towable Manlift Trailer	15,000	15,000	-	-	15,000		
Operational Capital Outlays	5,000	5,000	-	-	5,000		
E-pump	19,089	19,089	-	19,089	-		
	39,089	39,089	-	19,089	20,000		
Total Capital Outlay	1,200,117	768,256	(431,861)	115,900	1,084,217		

Wastewater Utility Fund Summary

May 27, 2020

66.67% of Fiscal Year

	Budget	Projection	Projection to Budget	Year-to-Date Actual	Percent of Budget	Budget Balance	
Wastewater Revenues	1,075,001	1,126,444	51,444	723,625	67.3%	351,375	
Wastewater Operating Expenses							
Personnel	644,490	596,188	(48,302)	368,939	57.2%	275,551	
Supplies, Maintenance & Operations	709,223	703,058	(6,165)	378,554	53.4%	330,669	
Services	1,320	1,320	-	646	48.9%	674	
Total Wastewater Operating Expenses	1,355,033	1,300,566	(54,467)	748,139		606,894	
Operating Income	(280,032)	(174,122)	105,911	(24,514)		(255,519)	
Capital Outlay	318,067	284,014	(34,053)	78,953	24.8%	239,114	See Schedule Below
Lease Interest Expense	14,385	14,385	-	7,367	51.2%	7,018	
Transfers & Non-Cash	178,156	(271,921)	(450,077)	(104,360)	-58.6%	282,516	
Net Income/(Loss)	(790,640)	(200,600)	590,041	(6,474)		(784,167)	
	Budgeted	Projection	Projection to Budget	YTD Actual	YTD Actual Surplus / (Deficit)		Status
Wastewater CIP Fund							
Project Development	50,000	26,667	(23,333)	14,247	35,753		Project in process
Impact Fee Study	37,500	37,500	-	28,070	9,430		Project Completed
Digester Planning	100,000	77,320	(22,680)	-	100,000		Design Contract Committed
Future WWTP	81,478	81,478	-	-	81,478		Contract committed, Phase 1 Complete
	268,978	222,965	(46,013)	42,317	226,661		
Wastewater Operations							
Operational Capital Outlays	30,000	30,000	-	5,587	24,413		
E-pump	19,089	19,089	-	19,089			
Pumps	-	11,960	11,960	11,960			Replacement pumps not budgeted.
	49,089	61,049	11,960	36,636	24,413		
Total budgeted purchases	318,067	284,014	(34,053)	78,953	251,074		

Reasonably Conservative Projection Assumptions

- Revenue at 99% collections for remainder of the year. (1% write off vs .01% historical)
- No future penalties assessed
- Actual Legal fees will be \$345k over budget

